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HANSARD'S
PARLIAMENTARY
DEBATES:

Third Series;

COMMENCING WITH THE ACCESSION OF

WILLIAM IV.

2° VICTORIÆ, 1839.

VOL. XLVII.

COMPRISING THE PERIOD FROM

THE FIFTEENTH DAY OF APRIL,

TO

THE FIFTH DAY OF JUNE, 1839.

Third Volume of the Session.

LONDON:

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AND BALDWIN AND CRADOCK; BOOKER AND DOLMAN; LONGMAN AND CO.;
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J. BIGG; J. BOOTH.

1839.

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HANSARD'S

PARLIAMENTARY DEBATES,

DURING THE *SECOND SESSION* OF THE *THIRTEENTH PARLIAMENT* OF THE UNITED KINGDOM OF *GREAT BRITAIN* AND *IRELAND*, APPOINTED TO MEET AT WESTMINSTER, 5TH FEBRUARY, 1839, IN THE SECOND YEAR OF THE REIGN OF HER MAJESTY

QUEEN VICTORIA.

THIRD VOLUME OF THE SESSION.

HOUSE OF LORDS,

Monday, April 15, 1839.

MINUTES.] Bills. Read a second time:—Mutiny; Marine Mutiny.

Petitions presented. By the Earl GALLOWAY, from several places, for Church Extension in Scotland.—By the Bishop of HEREFORD, from Hereford, in favour of a Penny Postage.—By the Duke of CLEVELAND, from two places, to the same effect.—By the Earl of RODEN, from one or two places, for relieving Soldiers from attendance on Idolatrous Worship; and from another place, against the present system of Education in Ireland.—By Lord PRUDHOE, from thirteen places, against any Alteration in the Corn-laws.—By the Earl of ABERDEEN, from several places in Scotland, against any system of National Education not founded on the principles of the Established Church.—By Earl DE GREY, from Bedford, against the Appointment of Catholic and other Chaplains in Gaols.—By Lord PORTMAN, from Paisley, for reducing the Duty on Fire Insurances.—By the Archbishop of CANTERBURY, from several places, against any system of National Education not founded on the principles of the Established Church.—By the Bishops of RIPON, and CHESTER, from several places, for Protection to the Church in Canada; and by the latter, from one place, against the Beer-laws.

* * *

HOUSE OF COMMONS,

Monday, April 15, 1839.

MINUTES.] Bills. Read a first time:—Purchasers Protection: Registration of Electors Scotland); Fictitious Votes (Scotland)

Petitions presented. By Messrs. G. Evans, M. J. O'Connell, Curry, Archbold, Jephson, D. Browne, Vigors, Ashton, Yates, Bellew, H. Grattan, Macnamara, Power, Barry, Reddington, Walker, Fitzsimon, Somers, O'Connor Don, D. Roche, Sheil, Smith, O'Brien, and O'Connell, Sir William Somerville, and Sir Charles Styles, from more than four hundred places, in support of her Majesty's Government in Ireland.—By Mr. Lytton, from Dublin, Colonel Verner, from Armagh, Mr. Blackburn, from Warrington, and Sir Robert Bateson, from Dublin, and Mr. Dunbar, from Belfast, against the Ministerial Policy in Ireland.—By Messrs. Elliot, Pease, Childers, A. Chapman, Baines, and Gillon, from a number of places, for a Uniform Penny Postage.—By Sir Robert Inglis, from the Clergy of Tavistock, for Protection to the Church in the Colonies.—By Mr. Gillon, from Lanark, in favour of the Prisons (Scotland) Bill; and from Perth, against any further Grant to the Church of Scotland.—By Mr. Chalmers, from several places, to the same effect.—By Lord Stanley, from Rochdale, for postponing the question before the House until the Inquiry in the House of Lords be over.

PRIVILEGE.] Mr. *Crawford* begged to intimate that on the first occasion which presented itself, he should ask the consideration of the House upon the circumstance of three hon. Members of that House having been compelled by the personal mandate of the Sergeant-at-Arms to withdraw from the House on Friday evening, just previous to a division.

Sir *R. H. Inglis* said, that in justice to the Sergeant-at-Arms, independent of the principle that questions of privilege of this kind ought to be discussed upon being brought before the House, he felt that after what the hon. Gentleman had stated, it would be most fitting that he should complete his statement on the present occasion.

The *Speaker* said, that the hon. Member for the University of Oxford had relieved him from a difficulty in which he had been placed by the statement of the hon. Member for London. After what that hon. Baronet had said, he (the Speaker) was ready to affirm, and take upon himself the entire responsibility of having ordered the hon. Gentleman in question to withdraw.

Mr. *Crawford* would bow with all deference to the decision of the Speaker. He was not aware that any reference had been made to the right hon. Gentleman on the subject, or he should not have thought of bringing the matter before the House.

The *Speaker* said, that the circumstances under which the exclusion of the hon. Members took place were briefly these. There happened to be a thin attendance of Members at the point of time in question, and he was consequently able to have a clear view of the door. Upon that occasion, just before putting the question, he looked to the door, and saw it was closed. While putting the question he saw the door forced open, and three Members enter the House. Upon this he ordered the door to be closed, and the three Members to withdraw. Immediately afterwards, on perceiving that these Gentlemen had found means to obtain access to the House, he sent for the Sergeant-at-Arms, and asked in what way they had obtained admission. The Sergeant stated that he had closed the door, and was holding it closed with the assistance of a messenger, and that the only reason why the door had not been locked as soon as on ordinary occasions was, that he had met with an accident, which prevented him from locking the door as readily as was desirable, but that the door was actually closed at the time the hon. Gentleman came up to it.

Mr. *Crawford* could state upon his honour that the door was partially open when he came up to it.

Mr. *Humphery* said, that the door was half open when he came in. When he got to the door the Sergeant-at-Arms had not shut it, and there were three or four other Gentlemen, besides himself, who would have got in provided the door had not been locked.

Mr. *R. Steuart* said, that the door was closed, and the question half put, before the hon. Gentleman entered the House. The door was forced open at the moment the Sergeant was endeavouring to lock it.

Mr. *Godson* said, that he was one of the Members in question, and at the time he entered the door he was quite unaware of the question being put; nor was he aware that any officer of the House was entitled to use violence towards a Member of the House. He was relieved at finding that the circumstance was one which took place under the responsibility of the right hon. Gentleman.

GOVERNMENT OF IRELAND.] Lord *John Russell* spoke to the following effect:—Mr. Speaker, On the 21st of March the House of Lords were pleased to resolve to appoint a Select Committee to inquire "into the state of Ireland since the year 1835, with respect to crime and outrage, which render life and property insecure in that part of the empire." Sir, I thought it my duty on the very next day to state the view which I took of that resolution of the House of Lords, and to say that I should ask for an expression of the opinion of this House on the administration of affairs in Ireland. With respect to the importance of the motion, both to Ireland and to the United Kingdom, it is quite unnecessary, that I should say anything. With regard to the anxiety which I feel on the subject of the motion which I am now to make, it is impossible that I can adequately express my feelings. I shall therefore proceed at once to state my views of the resolution of the House of Lords, and of the amendment of which notice has been given by the right hon. Gentleman opposite. There are some points in that amendment which perhaps it is necessary, that I should notice before I go into the main subject of discussion. A part of that amendment says, that the expression of opinion called for now is only an expression of opinion on one part of the policy of the executive government. Sir, the reason why it is proposed to ask for an opinion on one part of the policy of the executive government is, because it is that part of their policy alone upon which a resolution has been entered on the journals of the House of Lords. Let the House of Lords, if they should so think fit, carry a vote of censure with respect to other parts of the policy of her Majesty's Government, and I should then equally think, that it was impossible for us to remain in the conduct of affairs, unless we felt assured of the confidence of this House in respect to the course we have pursued. If the House of Peers please to censure the conduct of the executive at home I shall be ready to meet them on that question. With respect to colonial affairs, there are legislative measures some of which have been already under the attention of this House, and others will be brought forward for consideration. With respect to foreign affairs, I am sure that my noble Friend, the Secretary of State for Foreign Affairs, if they should think fit to chuse that field of discussion, will not feel afraid to encounter them on it. If it be made a matter of charge against us, that in the affairs of Belgium we are about to bring to a close long and difficult negotiations, which threatened at one time the peace of Europe, I think we should be able to vindicate ourselves against such a charge. If it be imputed to us, that British interests have been entirely neglected in the contest between France and Mexico, I think my noble Friend will be able to furnish a sufficient reply. If the affairs belonging to the department of my right hon. Friend, the President of the Board of Control, be made the subject of attack, I think we shall be able to meet accusations on that subject likewise, and while we shall be able to show, that we have not been neglectful of British interests in India, or inattentive to any dangers that might have threatened those interests—that we have, I trust, succeeded in avoiding the dangers of a war between this and any of the principal powers of Europe. We shall wait until these charges are brought forward — before we shall think it necessary to bring those subjects under the consideration of the House. But it is not from any fear, or from any apprehension, that with regard to any of these subjects the conduct of the executive government has tended to expose the interests of this great country to peril, or to have stained the name of the empire with dishonour, that we do not bring hem under the notice of the House. Sir, it has pleased those who condemn the conduct of the Government to take other ground. I submit, in the first place, that this resolution of the House of Lords is such, that it is incumbent upon this House to express an opinion one way or the other. I do not say at present, that it may not have been perfectly right in the House of Lords to appoint such a committee—that the state of danger, and insecurity of life and property, caused by misgovernment in that part of the United Kingdom, may not have rendered it necessary for the House of Lords to appoint such a committee; but I do say, and it is scarcely possible for any man to deny, that that motion does convey a vote of censure on the Government; for no man can read even the terms of that resolution, appointing the particular date at which the inquiry is to commence, and ending with the words, "render life and property insecure in that part of the kingdom," without saying that the plain conclusion intended to be drawn is, that it is the conduct of the administration which has thus exposed life and property to peril in Ireland. But if we were in any doubt what to think, it is to be recollected, that the House of Lords—which by the way seems to be particularly favourable to breaches of privilege of this kind—has allowed to be circulated throughout the country what purports to be the debate in the House of Lords on this motion; and the debate thus circulated contains nothing but accusations. It is a tenth repetition of accusations and charges of improper exercise of the prerogative of mercy and want of vigour in the administration of the law. It contains charges of almost every species of negligence, if not criminality, of which a Lord-lieutenant of Ireland can be culpable. And, Sir, let it be recollected, that the very name of the Mover himself is calculated to excite suspicion in Ireland of the censure intended to be conveyed. When we know the officer in command, we can have little doubt of the colour of the flag. Let it be remembered likewise, that as soon as the account of this vote came to Ireland, it was spread everywhere by the usual organs of the party to which the noble Lord belongs, and who entertain his views, that the House of Lords had passed a vote of censure on her Majesty's Government. Then, I submit with respect to a subject upon which the people of Ireland are sensitively alive—with respect to a subject upon which great anxiety is naturally felt—would it be possible for us to allow an impression to go forth, that such a vote of censure had been agreed to without endeavouring, by submitting some motion to this House, to ascertain whether the two Houses of Parliament were agreed upon that subject? One noble and learned Friend of mine is reported to have said, that the motion was a *primâ facie* vote of censure. I entirely concur in that description of the vote; and it was not possible for the Government to pass by without notice a *primâ facie* vote of censure by the Lords any more than it would be possible, if a motion were submitted to the House for going into a Committee of the whole House on the state of the nation—to disregard the adoption of such a proposition, to which a certain character has always been attached by the House and the country at large. I am aware, that the words of the motion were framed with so much art, that it was possible to say to some persons inclined to vote for it, that it did not convey censure, but merely proposed inquiry into crime. But while that takes away from the candour of the proceeding, it takes off nothing from the bitterness of the accusation. If I am right in what I now state, it is not sufficient for the House to adopt a long and elaborate "previous question" in the form in which the right hon. Gentleman proposes it. I say, moreover, that the previous question is rather weakened than strengthened by the arguments introduced into the preamble by way of supporting it. Reference is made in it to returns ordered by this House. When those returns were moved for, my noble Friend near me (Lord Morpeth) said, he thought them not of an unusual character; but that he would himself move for other returns not confined to the period from the year 1835 to this time; but returns for other years, so that the motion would have no invidious character as applied to that particular period. My noble Friend moved likewise the introduction of certain words of caution, respecting part of the information, provided it were consistent with the public service and the due administration of justice. These returns were ordered with the consent of the Government, and without implying in any manner, or in any degree, censure on the Government by which they were granted. But it is widely different where a committee is named to enter into an inquiry with regard to a particular period only, and with none of the restraints which this House might deem it advisable to circumscribe it with. But if it be right and proper to have an inquiry instituted into the government of Ireland since 1835, why, let me ask, was not the motion made in this House? This House is the proper House of Parliament in which, according to the forms and spirit of the constitution, such an inquiry should be demanded. I ask then if there is any proceeding of a criminatory character to be instituted, why do not its authors move for an inquiry in the House of Commons, and require the House of Commons to give an opinion on the propriety of the conduct inculpated? I ask those who are in favour of this inquiry; those who have told us year after year since 1835, that the Irish Government was unworthy of confidence—as favouring outrage and almost encouraging murder—I ask them why they did not think fit to make in this House a motion of inquiry, instead of confining themselves to a motion for papers? They made no such motion however, and I can only conclude from their not thinking it essential that this House should come to a decision on the question, that not expecting to have a majority in this House in favour of an inquiry, and not being able to carry a vote of censure here, they determined to transfer to the other House of Parliament a proceeding by which a stigma and slur would be cast on the character of the Government. Now, against that proceeding I protest, and if I were one of those who think the inquiry necessary, I should equally protest against it, and equally say—if the Government of Lord Normanby has been most mischievous and most injurious, let not the Members of the House of Commons refuse to pronounce an opinion upon it, let them not abdicate the right of the House of Commons to inquire—let them not abandon the ancient practice of the House of Commons to censure and control governments which require it—let them not consent to pass in silence the misgovernment which is complained of—but let them pronounce whether inquiry be necessary, and whether the Government deserve the censure which the House of Lords has affixed to its proceedings. So much in reference to the proposal to stifle this motion by a previous question. But if this House pronounce an opinion favourable to the policy of the Government, it is said, that it will interfere with the undoubted rights of the House of Lords. Now, I think it necessary to ask the House to pause a little, and consider, not what is the theory, not what is the bare right, but what is the usual and has been I think the necessary practice of the constitution. With respect to legislation, it is the undoubted right of the House of Lords to reject any bill that may be sent up from this House. But if that right were carried to an extreme; if, for instance, they were to reject the Consolidated Fund Bill, which has been this day before the House, the whole country would be thrown into confusion. Or if at the commencement of a war, the supplies voted by this House were, in consequence of the Lords disapproving of the war, rejected by them, although it would be the undoubted right of the House of Lords to do so, yet it would be impossible, that the country and this House should rest satisfied with such a decision. So far as to the right of legislation. What, then, is the practical conclusion and understanding to which all parties have come, for a long period, with respect to the subject? It is this—that if a bill were sent up from this House, of a very important nature, with regard to which there are considerable numbers of persons both on the one side and the other, and in favour of which there was only a small majority, the House of Lords might properly say, "It appears that the Representatives of the people are very nearly divided on the subject. We do not think, that the country has made up its mind to this change. Let it be considered another year, and let us know whether it be a change called for by general opinion." If a bill, however, were sent from this House repeatedly by large majorities, declaring the sense of the country, then I think it usual for the House of Lords, even though holding an opinion against the bill, and having an abstract right to reject it at once, to exercise a wise discretion, and say, "We will not oppose the general sense of the country, repeatedly expressed, but we will confirm the opinion of the House of Commons, though in the abstract it differs from our own." But, Sir, with respect to the Executive Government, the case is somewhat different. Upon a matter of legislation the two Houses might remain at variance for a considerable time without any great evil happening to the country. At the same time there are exceptions even to that. There have been exceptions of so grave a nature that at one time, when the opposition was extreme, Lord Grey's Government, with all but the unanimous consent of the Cabinet, did advise so large a creation of Peers as would have overwhelmed the independent voice of the House of Lords. Be that as it may, it is clear that with respect to the Executive, such differences of opinion cannot be tolerated. You must conduct the Government on one plan or the other. You cannot have Ireland at once governed by the principles of Lord Haddington and of Lord Mulgrave. You cannot have the affairs of this country conducted according to the opinion of the right hon. Gentleman opposite, and according to the opinion of Lord Melbourne. It is quite necessary, that one line or the other should be taken. The only question on this occasion is, whether or not the House of Commons is prepared to say, that the House of Lords, having expressed its sense with respect to the executive government, the House of Commons entertains the same opinion; or not entertaining the same opinion, are willing that the executive government should in future be conducted according to the sense of the House of Lords. Now, I beg to remind the House that this has not hitherto been the case, and that, in general, the House of Commons has insisted on the Government being conducted agreeably to its opinions. It is quite true, that for a long period, owing to the corruption of this House, to the influence exercised over it by the Crown, and by individual Members of the House of Lords, there was no positive difference of opinion. But, in former days, there were differences of opinion, and this House did not scruple to declare its opinion on such subjects, in opposition to the opinion of the Lords. At an early period of the last century there was a difference of opinion with regard to some persons concerned in a conspiracy for bringing in the Pretender; and in the opinion of the House of Lords, that conspiracy was rather favoured than otherwise by the Government. The House of Lords thought, that no sufficient means were taken to discover, pursue, and punish the persons engaged in the conspiracy, and they accordingly took the matter into their own hands, and decided on making their own examination. This House immediately protested against it, and this was the language they used in an address to the Crown:—

> "Your faithful Commons believe the administration of the government best secured when it is left to your Majesty, with whom the law has entrusted it, and have so firm a dependence upon your Majesty's affection to your people, and your great wisdom, that they can never apprehend the least danger from any conspiracy, as when the examination thereof is under your Majesty's direction. Your faithful Commons do, therefore, most earnestly desire your Majesty to suffer no diminution of that prerogative, which during your Majesty's reign they are confident will always be exerted for the good of your people.

Not many years afterwards, a resolution passed the House of Lords, declaring:—

> "That no peace can be honourable or safe for her Majesty and her allies if Spain, and the Spanish West Indies be suffered to continue in the possession of the House of Bourbon."

The House of Commons were of a different opinion. At that time the Crown finding that the two Houses were not in harmony, took measures to make them so. [Sir *James Graham:* by a creation of twelve Peers.] Yes; as the right hon. Baronet says, by a creation of Peers; but it so happened at that time, that the prerogative had been exerted with so much sobriety, that the creation of twelve Peers was sufficient to give the Ministry a majority. That certainly has not been the sobriety of later times. Sir, I have no objection, if it were proper at this time, to enter into that question; but, certainly, I think that one of the greatest evils caused by the Ministry which came into power in 1784 was, that it altogether altered the character of the House of Peers. I stated this opinion so long ago as 1822, on bringing forward the question of Parliamentary Reform, and I have not seen any reason to change it. Sir, I was proceeding to state that for a considerable time, owing, as I think, to a defect in the representative system, the House of Lords and the House of Commons were without any great difference. But after Lord Grey and his colleagues were entrusted by his late Majesty with the administration of affairs, it very soon happened, that with respect to a question of executive government—the policy of the Government with respect to Portugal—a difference of opinion did arise. The House of Lords assented to an Address to his Majesty, in fact, disputing and disapproving of the conduct of this House. What was the result? An hon. Member, an hon. and gallant Friend of mine, immediately asked the opinion of this House—he asked, whether this House agreed with the House of Lords, or whether it did not agree with him in supporting the policy of the Administration. That was a just and proper course; for you cannot have the policy of the executive carried on according to the opinion of the House of Commons, and also according to an adverse opinion of the House of Lords; when they differ, you must follow the opinion of one or the other. In my view the opinion of the House of Commons ought to be expressed on a subject of so great an importance as the practical government of Ireland, and if the opinion of the House of Commons differ from the opinion of the House of Lords, according to the practice of the constitution of this country, according to the power vested in the House of Commons, the opinion of the House of Commons ought to prevail.

Sir, I have hitherto stated the reason why I think the House of Commons ought to express an opinion on this subject. I have not stated any thing consistent with their entertaining an opinion similar to that which has been entertained by the House of Lords. I have not stated anything inconsistent with their coming to a resolution, if they so think fit, either instituting an inquiry themselves, or passing a more direct vote of censure on the conduct of the administration in Ireland. All I have urged, and what I think I am entitled to ask, is that this House should pronounce an opinion, one way or the other, upon this subject. If they pronounce it either way, they will still maintain their character and their dignity as a House of Commons. But if they pass the resolution of the right hon. Baronet opposite, if they say that they will wait either till the end of this year, or perhaps till the end of the next year, when the House of Lords shall have been pleased to examine into all the cases of the exercise of the prerogative of mercy, into every crime tried at Kilkenny or Armagh, and to pronounce an opinion of them, and that this House will wait silently and quietly, leaving the Government to be crippled and enfeebled by a vote of the House of Lords, without pronouncing any opinion one way or the other, then the degradation of the House of Commons will be complete from that day. Now, Sir, I come to that which is no doubt the important question, upon which this House if they agree with me so far, ought to decide, and on which I fear I must trouble them at considerable length, and with much detail. We are resolved to bring before them our whole policy in Ireland, in order that the House and the country may know what at least have been our views with regard to the state of Ireland, that they may not be led away by partial statements with respect to the outrages and crimes which have taken place—that they may not conclude from the words of this resolution of the House of Lords that outrages and crime have so prevailed because the administration of the Government have been in the hands of men of liberal inclinations, and of liberal policy—but that they may see to what are owing the crime and outrage that have existed in Ireland—to what it is owing that at the present time crime and outrage have not been wholly repressed, but that there still remain evils the seeds of which were sown in other days, and which require not four years but forty years to be successfully eradicated. I will go back for this purpose to the commencement of the reign of George 3rd. In the commencement of that reign I find accounts of attacks upon houses; of persons going about armed forcing others to give up land; of persons going about disguised at night; of witnesses being threatened; of force being used, and combined force, in order to carry into effect the objects which the conspirators had in view. Now this state of things, lawless and turbulent as it was, was not very much different from the situation in which other countries have been—not very much different from the state in which this country is represented to have been in the early part of the reign of Elizabeth. Neither was it exceedingly different from the state in which Scotland was represented by one of the ablest of her sons to have been at the period of the Revolution of 1688. There was nothing in the circumstances of those periods to which the wisdom of the ministers of Elizabeth, and the wisdom of the ministers of William 3rd was not capable of applying a remedy. Is there anything in the nature of the Irish people which forbids that outrage and crime should be successfully met, and a remedy effectively applied? I think no one can deny that looking at the upper classes of society, no men have shown greater talent, greater pregnancy of wit, or greater aptitude for the pursuits of arts and arms than the people of Ireland. As to the lower classes, whether we view them as soldiers in the service of their country—or workmen in the various departments of labour—no men have been more remarkable for valour or industry, or have evinced more of the qualities by which a country can rise to eminence. There is nothing then in the character of the people themselves which forbids us to hope that the evils of their condition should be successfully met and overcome. But what was the disposition of those who had to legislate for this people? How did power and property treat the evils of 1761? It is useful that I should state this; it is proper that the House should know of it, because hon. Members are aware how much the Marquess of Normanby has been condemned for declaring that "property has its duties as well as its rights;" and that it is "the neglect of those duties in past times, which has led to much of the misery of the present time." I wish to read upon this point the opinion delivered in 1787 of Mr. Fitzgibbon—afterwards Lord Clare—one who, it must be admitted, was not too much addicted to popular rights, and who afterwards, was a great leader in the Tory Government of Ireland. He proceeded after alluding to the attempts of the people to raise the price of labour, as follows:—

> "At last they proceeded to regulate the price of land, to raise the price of labour, and to oppose the collection of the hearth-money and other taxes. I am very well acquainted with the province of Munster, and I know that it is impossible for human wretchedness to exceed that of the miserable peasantry in that province. I know that the unhappy tenantry are ground to powder by relentless landlords. I know that far from being able to give the clergy their just dues, they have not food or raiment for themselves; the landlord grasps the whole, and, sorry am I to add, that, not satisfied with the present extortion, some landlords have been so base as to instigate the insurgents to rob the clergy of their tithes; not in order to alleviate the distresses of the tenantry, but that they might add the clergy's share to the cruel rack-rents already paid."

That was the character given of the landlords by Mr. Fitzgibbon, as the Attorney-general. I should like to know what he would have said, if he had been told that it was not competent for him to express the simple opinion that "property has its duties as well as its rights." What would he have said if he had been told that it was not competent for him to allude even to the landlords of past times? I have now to quote another description of the state of the country, and the cause why it was not remedied. It is from the work and letters of Arthur Young, who, writing in 1772, says:—

> "The age has improved so much in humanity, that even the poor Irish have experienced its influence, and are every day treated better and better; but still the remnant of the old manners, the abominable distinction of religion united with the oppressive conduct of the little country gentlemen, or rather vermin of the kingdom, who never were out of it, altogether still bear, say hard, on the poor people, and subject them to situations more mortifying than we ever behold in England. The landlord of an Irish estate inhabited by Roman Catholics is a sort of despot, who yields obedience, in whatever concerns the poor, to no law but that of his will. To discover what the liberty of a people is we must live among them, and not look for it in the statutes of the realm: the language of the written law may be that of liberty, but the situation of the poor may speak no language but that of slavery. There is too much of this contradiction in Ireland; a long series of oppressions, aided by many very ill-judged laws, have brought landlords into a habit of exercising a very lofty superiority, and their vassals into that of an almost unlimited submission. A landlord in Ireland can scarcely invent an order which a servant, labourer, or cotter, dares refuse to execute. Nothing satisfies him but unlimited submission. Disrespect, or anything tending towards sauciness, he may punish with his cane or his horsewhip with the most perfect security. A poor man would have his bones broken if he offered to lift his hand in his own defence."

This is the description, in very plain and humble terms, of the then condition of the peasantry. I shall take another description on this matter from a writer of a higher class, of far deeper philosophy, of commanding eloquence. The extract is from Burke, who, in writing to Sir Hercules Langrishe, with respect to Ireland, observes:—

> "You, who have looked deeply into the spirit of the popery laws, must be perfectly sensible that a great part of the present mischief which we abhor, in common (if it at all exists) has arisen from them. Their declared object was to reduce the Catholics of Ireland to a miserable populace, without property, without estimation, without education. The professed object was to deprive the few men who, in spite of those laws, might hold or obtain any property amongst them, of all sort of influence or authority over the rest: they divided the nation into two distinct bodies, without common interest, sympathy, or connection. One of these bodies was to possess all the franchises, all the property, all the education; the other was to be composed of drawers of water and cutters of turf for them. Are we to be astonished when by the efforts of so much violence in conquest, and so much policy in regulation, continued without intermission for near one hundred years, we had reduced them to a mob; whenever they came to act at all, many of them would act exactly like a mob, without temper, measure, or foresight?"

This is an extract which shows, I think, most plainly and most truly, what was the condition of Ireland at that time. Here then was the period for the Legislature to commence its work. It is my belief, that if at that time measures had been passed putting the Roman Catholics upon an equality with the Protestants, making the spirit of justice pervade the laws of the realm—and if at the same time there had been done that which we have lately been endeavouring to do, if there had been passed a law in the spirit of the law of Elizabeth, for the sustenance of the poor, we should not now have to regret the state of Ireland in respect to crime and outrage. That was the time, in my opinion, when great good might have been accomplished, when great influence might with certainty have been exercised for the advantage of Ireland, and future evils prevented. What, however, was done at the time? Laws of coercion and punishment were passed. The first law passed respecting Whiteboys was in the year 1766. By that law severe penalties were awarded. The next Whiteboy Act was in the year 1775, and that Act recounts those disorders which the former Act was intended to suppress. It declares, in the preamble, that

> "It has frequently happened of late years in different parts of this kingdom, that several persons calling themselves Whiteboys, and others, as well by night as in the day time, have in a riotous, tumultuous, and disorderly manner assembled together, and have abused and injured the persons, habitations, and properties of many of his Majesty's loyal and faithful subjects, and have taken away and carried

away their horses and arms, and have compelled them to surrender up, quit and leave their habitations, farms, and places of abode; and have forced them with threats and promises to join them in such their mischievous and iniquitous proceedings; and have also sent threatening and incendiary letters to several persons, to the great terror of his Majesty's peaceable subjects."

There were many capital felonies in that Act; but it is not only in the capital felonies that you see the spirit of that law; it is shown in other respects: if a person were out of doors in a garb which was not his usual garb, if he were out at hours of the night at which it was not usual for him to be in the pursuit of his lawful occupation, he was subjected to fine and imprisonment. Such was the spirit of that law. Such, too, was the spirit in which succeeding laws were passed. The statute book is full of these laws, and of Insurrection Acts, and of the Suspension of the Habeas Corpus Act, and of various other Acts, all tending to punish Whiteboy outrages, and all using the utmost severity against the poor, and all taking care to pursue crimes with penalties, but I can find none providing permanently for the welfare of the people. I can find none admitting the Irish Catholics to be treated as the free subjects of a free country—none speaking in the spirit of mercy or in the language of conciliation. I shall now show the consequence of these proceedings. I do not mean, however, to go through the dreadful evidence of crimes, of murders, of insurrections—matters that cannot be denied, and which prevailed in Ireland in the years 1796, 1798, and 1803. I shall not go into the detail of those outrages; nor shall I go through the catalogue of all the laws of a penal character that have been tried from time to time for the suppression of those crimes. I wish to call your consideration to this point. The date of the principal Whiteboy Act was 1775, and I wish you to consider what occurred from that period up to the time of 1824 and 1825. In those fifty years there happened more remarkable revolutions than in any other portion of the history of the world. In France, an ancient monarchy was overthrown—a bloody and restless republic took its place — a military despotism was created, and the ancient dynasty was again restored. Almost every country in Europe had seen its throne abandoned, or its possessors changed. They had seen their institutions altered; they had seen foreign conquerors in their capitals, and they had all beheld the changes of a violent revolution. The persons living in these times, might be likened to the pilgrim in the ruins of Rome.

> "The pilgrim oft
> At dead of night, 'mid his orison, hears,
> Aghast, the voice of time, disparting towers,
> Tumbling all precipitate, down-dashed."

Such were the changes on the Continent of Europe. Here we had no foreign invaders, thanks to the mercy of Providence, nor was there any change of dynasty; but there had been changes in the constitution—there was an immense increase of the debt, there was the debasing of the currency—there had been great victories won by our army, glorious triumphs gained by our navy; very great renown obtained by our arms, and, amidst a constant increase of taxes, a great advance in commercial prosperity. Such were the changes in fifty years. Well, then, during these fifty years, these things were taking place on the Continent of Europe, and in this country, I will show you the account which, at the end of these fifty years, was given by a person competent to speak as to the facts with respect to the state of Ireland. The gentleman I refer to, Mr. Barrington, described Ireland in this way:—

"I find the Whiteboy system has for the last sixty years continued under different names. The outrages have been of the same kind for the last sixty years.

They (the illegal associations) have always had objects connected more or less with land. The preamble of the Irish Act, 15 and 16 Geo. 3rd, almost describes the present state of the country. Associations have been formed for regulating the prices of land, attacking houses, administering oaths, delivering threatening notices, taking arms, taking horses at night, and returning them again in the morning, taking away girls, murders of proctors and guagers, preventing exportation of provisions, digging up land, destroying fences, houghing cattle, resisting the payment of tithes, and other outrages similar to those which have occurred in Clare last year, and which are now the subject of investigation in the Queen's County."

Thus, you see, that these fifty years, that that half century, which had produced such great changes—which had produced such great revolutions in almost every country in Europe, had wrought no change in Ireland; but, according to the evidence of Mr. Barrington, had left Ireland to be described in the same words in which, in the preamble of the Whiteboy Act, it was described in 1775. I might read for you many things to corroborate the testimony of Mr. Barrington—I might show you, by the evidence of Mr. Beecher, that country Gentlemen had their houses shut up at night—that they dare not venture to go out except in the day time—that they saw the fires by night upon the hills, and heard horsemen trampling by their residences. According to the evidence of another gentleman Mr. Blacker, no window was allowed to be open, except one or two in the whole house, so that the day-light was nearly excluded. I could show too the country abounding in horrible murders, but I forbear doing so. And now let me ask, to what was owing that state of things, in which life and property were rendered insecure in that part of the empire? Was it owing to the overmuch liberality of the Government? Was it owing to any excess of commiseration with the poor? Was it owing to an extreme exercise of the prerogative of mercy? Was it owing to too great favour being shown to those professing the Roman Catholic religion? Had not persons of the same opinions as Lord Roden nearly during the whole of that period, held the Government of Ireland, except during the short glimpse of Lord Fitzwilliam's Lord-lieutenancy, and in 1806, when Mr. Grattan's advice was taken with respect to Ireland? During the whole of this period Ireland was under the guidance of these very men, who came now to complain to you of outrages and who tell you this day, in relation to the horrors upon which they dwell, that you are to regard them as the exclusive production of the years of Lord Normanby's Government in Ireland. Thus they unknowingly blind themselves, or wilfully conceal from you the fact, that such crimes are the offspring of former oppressions; that they are the offspring of a social system, which has frequently been denounced, and which produced its dreadful effects when an intolerant orange faction trampled upon the liberties, and was regardless of the interests of a great portion of the inhabitants. I have thought it necessary to state these things, in order that this House may not suppose, that when they are asked to agree to a resolution to support the House of Lords, that these crimes are, as their resolution implies, the production of the present Government, which has rendered life and property insecure in that part of the empire. What took place in the years 1824 and 1825? Committees of both Houses of Parliament were appointed: these committees inquired into the causes of the social outrages and the social misery that prevailed in Ireland. So far, then, as inquiry goes, up to 1825, we have it fully before the House. I now come to another branch of this great question, I have shown you that the social condition of Ireland had been long diseased. What was her political condition? Be it remembered, that Ireland had likewise been subject, at various periods, not merely to the social evils I have referred to, but also to political agitation; and it is a question most materially affecting the Government of Ireland, and most materially affecting the course taken by the Irish government, that the people of Ireland had been treated alternately with extreme harshness, and sudden conciliation. It was stated by Lord Grenville in the House of Lords, that concessions having been made, when persons were aware that it was owing to the pressure of public difficulties the concessions took place, they could hardly be expected to produce the effects of conciliation. This was stated with his usual caution by Lord Grenville, but it was at the same time stated very clearly.

> "There is one circumstance," he said, "in the history of the Catholic concessions which deserves to be particularly considered. From the first concession, 1777 down to 1782, and thence to 1793, they have all been made under circumstances of greater or less political difficulty; and though no one will say it was an unwise or unfit policy, when we were entangled with a civil war in America, or when we were menaced with a foreign war with France, to endeavour, by conciliation and union, to strengthen our resources at home; yet it may have been suspected—most unjustly, I readily admit—that these concessions were not the result of legislative wisdom, nor the offspring of justice and liberality, nor the consequences of an enlarged and comprehensive policy, embracing the general welfare of the whole empire—but a benefit extorted from us under the influence of apprehension and danger,"

Such is the very temperate expression of Lord Grenville's opinion upon this point. There is another authority I may quote for the same purpose because I am sure that it will be received by every one with respect. The statement of Mr. Wilberforce in speaking upon the Catholic question is this:—

> "I can remember," he often said, "the recognition of Irish independence, and how those who had talked of it as almost treason made no attempt to oppose it, while, if any objection was suggested, there was a general hush, and it was whispered they have 40,000 volunteers in arms. My experience of Parliament and of the country convinces me that when some alarm arises in Ireland, a war or an insurrection, every thing will be given up at once, as it then was, without those securities to ourselves, or that benefit for Ireland, which now might be provided."

Mr. Wilberforce prophesied that the like would occur again, and the sequel proved that he was a true prophet. In 1782, every thing was given up to the volunteers from the apprehensions of an insurrection. In 1793, the Franchise Bill, which had before been contemptuously rejected, was carried amidst apprehensions of a war with France. And what was the issue of the Catholic question? Mr. Fox, Grattan, Plunkett, Canning, Lord Brougham—all these eminent men exerted their powerful and brilliant eloquence on behalf of the Catholics, but they exerted it in vain. They made no impression towards effecting an equality of privileges for our Roman Catholic brethren. But justice was granted to them, at length in 1829, under circumstances of political difficulty, such as those mentioned by Lord Grenville, and under the apprehension of those insurrections alluded to by Mr. Wilberforce. With Lord Grenville and Mr. Wilberforce, then Sir, I say, that those concessions which were made to Ireland under circumstances so suspicious, to say the least of them, could not call forth much gratitude—not strong feelings of contentment—not those sentiments which a just series of kind concessions would have been sure to produce. Therefore, it has been, that the people of Ireland, seeing that it was only through a system of intimidation they had been successful, determined to persevere in that system. And when Lord Anglesey undertook the Government of Ireland, such was the state of political agitation—such was the extent of social misery—and such was the diversity of disorder, that in the opinion of the Irish Government a severe system of coercion was necessary to aid the law in the repression of those evils. The Cabinet of that day proposed a coercion law, and I do not mean to deny that a part of the responsibility of its introduction attaches to me. But, in promoting that law, I thought with others that the time was come when we ought to look more deeply into the condition of Ireland, that we ought to consider whether we could not lay the foundation of a better system, which a mere temporary law of that kind could not do, and whether it was not fit to consult the temper and wishes of the people of Ireland, and whether the same freedom which we possess in our own country might not be as efficacious in Ireland. I have now shown you what was the condition of Ireland when Lord Normanby undertook the Government. A social condition for sixty years deranged, one part of the community hostile to the other—the only remedies applied, terror and violence—with some intervals of concession, made evidently from fear and apprehension. But am I wrong in stating that when Lord Normanby undertook its Government, which was in April 1835, those evils which I have described in the state of the country still existed? It would appear from the statements lately made, and more especially in the reported speech of Lord Oxmantown, that the character of the peasantry has been entirely changed—that, owing to the present administration they have been made the worst characters, they, whose dispositions, on the same authority, are alleged to have been formerly of the most innocent description. Now, what is the description given in 1834, by Lord Wellesley, who took his account from Lord Oxmantown. This is a dispatch from the Marquess of Wellesley to Lord Melbourne:—

> "A complete system of legislation, with the most prompt, vigorous, and severe executive power, sworn, equipped, and armed for all purposes of savage punishment, is established in almost every district. On this subject I cannot express my opinion more clearly, nor with more force nor justice, than your Lordship will find employed in a letter addressed by Lord Oxmantown, lieutenant of the King's county, to Mr. Littleton. Lord Oxmantown truly observes that the combination surpasses the law in vigour, promptitude, and efficacy, and that it is more safe to violate the law than to obey it."

This was the description given by the Marquess Wellesley on the authority of Lord Oxmantown in 1834. But let me refer to his own words. He says, that a man who violated the law had fifty chances to one that he escaped; that the man who observed the law was in danger and the violator of it comparatively safe. He described the state of the peasantry to be such, that it was impossible to form an adequate idea of it. I have no doubt, that Lord Oxmantown described the state of things as they were in 1834; but what is the feeling or the spirit of justice which would describe a state in which the law is better administered—in which certainly there is not the same impunity for crime—and in which illegal combinations have not the power that they are described to have had in 1834, and yet would lay the entire blame, and charge the entire fault of all existing outrages upon the Government of 1835? You have heard what was the state of the country when the Government was undertaken by Lord Normanby, and now you find, that certain charges have been preferred to make him responsible for it. Let me now state that one of the greatest evils existing in Ireland—it is one described by all the evidence taken before the committees of both Houses of Parliament—is the distrust of the people in the law. It is stated by Mr. Barrington—it is stated by Mr. Leslie Foster—it is stated by Mr. Justice Day—it is stated by persons of very high authority, and there is no one in the House who will deny, that there had long existed a distrust of the law. Various instances could be mentioned of it. In one case a person committed a murder, he made himself obnoxious to other parties in the country, and even though he was thus obnoxious, he was not given up to the law; but the parties inimical to him beat him severely—so severely that his life was despaired of. Other instances might be given. I remember once a very signal instance related by my noble Friend the present Lord-lieutenant of Ireland, and which he stated as occurring on his estates in Ireland. Lord Ebrington had remarked a young man, the son of a small farmer, living on his estate. Upon returning the next year to Ireland, he did not see the young man, and asked what had become of him, and he was told by his father that when coming home one evening he was way-laid, struck with stones, and died by the injuries inflicted in a few weeks afterwards. But, then, the farmer added that he knew who the persons were who had committed this gross outrage. My noble Friend, Lord Ebrington, naturally asked why he did not bring those parties, to justice. The farmer replied, "No, no: we know the parties, and will do as much for them another time, as they have done to us." It appears to me, that the cause why there has been this distrust in the law, has been, that the law has never been adminstered in a way that the people could have confidence in it, or that they would obtain equal justice. Amongst other things, it was generally believed by the people, and not without foundation, that persons who were about to undergo criminal trials would find that persons called upon the jury, who were known to entertain political opinions hostile to the Crown, or known to be Roman Catholics would be set aside. Pains were taken by Mr. O'Loghlen to relax the exercise of the right of the Crown to challenge. It was a very proper and necessary right, which should be exercised where persons fell under the suspicion of being favourable to the accused; but, then, in exercising it, care ought to be taken that no man should be objected to on account of his politics or religion. It appears to me that nothing could be done more calculated to shake the confidence of the country in the proper administration of justice than persisting in such a practice. That practice was altered, and greater confidence was felt in the administration of justice. It was not to be expected that when such an alteration took place, complaints would not be made. Crown solicitors may have thought that an Attorney-general would not have approved of challenges in cases where he would have approved of them. In making changes it is impossible that some disadvantages will not be experienced; but in return we find one beneficial consequence, that greater trust is placed in juries, and there is no want of the efficient administration of justice. I have an account, first, of committals with respect to homicides in Ireland from 1832 to 1838, both inclusive. They were as follow:

		Committals.		Convictions.
1832	-	620	-	168
1833	-	687	-	274
1834	-	575	-	299
1835	-	712	-	309
1836	-	620	-	292
1837	-	519	-	175
1838	-	424	-	199

I say, then, that it appears to me that if we make a comparison of the year 1833 with 1838, that in the first instance the amount of the convictions to the committals is in the proportion of forty per cent., whilst in 1838 the proportion was forty-six per cent. [Mr. *F. Shaw*: How is the comparison established?] It appears from the returns of the inspectors of prisons. I will now, Sir, take all the offences that have caused commitments for trial at assizes, quarter and petty sessions, and I will take the two years 1833 and 1834, as compared with the years 1837 and 1838. In the two years 1833 and 1834, the number of commitments was 39,200, while the convictions amounted to 25,697; and in 1837 and 1838 the number of commitments was 49,896, whereas the number of convictions was 38,514, thus showing, on a comparison of one of those periods with the other, that there had been no want of convictions, and that the proportion of convictions to commitments had not been diminished owing to the rule adopted with respect to juries. I say, then, that if you can make the law equally efficacious as to conviction, and introduce a change at the same time, which gives the people confidence in the administration of justice, if thereby you induce the people to become parties to the administration of justice themselves, you are not merely doing good for the time, but you are laying the foundations of the permanent tranquillity of Ireland, which those who have governed in the spirit of Lord Roden, and with the opinions of Lord Roden, have utterly failed in producing during nearly three-fourths of a century in which they have held the reins of government in that country. Then again with respect to the number of convictions, they were far more numerous during the year 1830, at the end of which the Duke of Wellington went out of office. The comparison with the year 1830 stands thus. In that year the number of offences was 15,794, and the number of convictions 9,902; while in 1838 the number of commitments was 25,440, and the number of convictions 19,329—thus showing, that while in the former year only two-thirds of those committed were convicted, in the latter year three-fourths of the number committed were convicted. This is what the returns prove as to the efficacy of the law as administered by Lord Normanby. There is another question. It may, Sir, be said, that although when persons were brought to trial the law was fairly and justly administered, yet that there is no activity or energy in pursuing crimes. With respect to this part of the subject, I say that the energy exercised by Lord Normanby's government has been greater than that which has been exercised by any former government. As a proof of this I may state that one of the first acts of his government was that of Mr. O'Loghlen, the Attorney-general, directing the Crown solicitors to prosecute at the quarter sessions offences which had hitherto been left unprosecuted — offences arising out of those faction fights and those bloody feuds which tended to give the people a brutal and violent character, and to lead to murder, and which, from there being no persons hitherto taking an interest in them, and from the indisposition of the Irish people to resort to the criminal tribunals of the country, had been left totally unprosecuted. It has been related of former times, but I hope those times have passed, that magistrates of the county not only did not try to repress these faction fights, but frequently favoured one side or the other, and that those fights thus encouraged and favoured, enjoyed impunity, under the protection of the magistrates. I do not impute this to the magistracy during the Government that went out of office in 1830, but I do say, that many cases of this kind were not prosecuted; and that the law officers of Lord Normanby have exercised more zeal and vigour in those prosecutions than has hitherto been exercised, and that it was in a great part to those prosecutions was owing the great increase of convictions of late years; and I feel equally sure, that the House will agree with me in thinking, that although there may have been an increase of offences apparently at the time, yet that that course in the end will be found to be the course by which offences will be diminished, and justice most effectually done. Why, to my own knowledge, we have had increase of convictions in a town so little subject to outrages, and so peaceful and tranquil as Bath, when quarter sessions were established. There was a great increase of the number of commitments for a year or two, and what was the cause? Nobody thought that the people of Bath had become more criminal, and that crimes had grown rife all of a sudden in that peaceful and opulent town; but that crimes hitherto not prosecuted were taken cognizance of, the people resorted to prosecutions, and that the law was more effectually administered. Sir, I say, that this is the course which has been pursued in Ireland; and it has been borne testimony to not only by persons favourable to the Government of Lord Normanby, but by those who took a totally different view from that nobleman, and who have declared, that they never knew the powers of the law enforced with more energy than during the time of Lord Normanby's Government. Another complaint has been made with regard to the use of the prerogative of mercy. It appears, that Lord Normanby has been very much attacked for exercising too great clemency with respect to offences. I do not mean to go into that part of the case, as it was brought before the House in 1837. The question was fully debated at that time, and I wish rather to allude to the great principle upon which the prerogative of mercy has been exercised in Ireland, and what has been done during the last two years. It has happened in Ireland—and I believe very properly —that in exercising the high prerogative of mercy,—a prerogative in this country exercised not solely from regard to the opinions of the judges, not solely from their report of the circumstances of the trial, but which embraces various other circumstances, usually mentioned in the pardon as circumstances humbly represented to the Sovereign —it has happened that in Ireland the exercise of this prerogative has very often had reference to the tranquil or disturbed condition of the country. An instance of this was mentioned in some evidence that was taken before this House, with regard to some person who was tried for murder, at the time when Lord Anglesey was Lord-lieutenant of that country. "Sentence of death was passed upon him, a man convicted of being a Whiteboy, but with an intimation to the magistrates of the county, that if the county was tranquillized, he should be recommended for transportation. The magistrates subsequently assembled, and recommended that the sentence should be commuted, in consequence of the improved state of the country." Sir, I state this to shew that we are not to argue, because Lord Normanby may have exercised the prerogative of mercy, with reference to circumstances which are hardly ever taken into consideration in this country, that it follows that the prerogative of mercy has been improperly exercised. It shews, on the other hand, in the state of society in Ireland, that it has been frequently thought right, and, I believe, properly so, that the tranquillity of the country has been taken into consideration, and the more or less disturbed state of particular places at the moment as well as the particular offences of the criminals. But with respect to the exercise of this prerogative, it appears that from November, 1837, there had been 188 cases decided favourably, without reference to the opinions of the judges or the assistant-barristers, and of this number 43 were fines for having unregistered fire-arms; and out of the whole number of cases there were only three cases of transportation, in all of which commutation of the sentence took place on a certificate of unfitness for the voyage. This, Sir, I consider a most important circumstance. If there were a case in which I should say, that it was very doubtful whether the Lord-lieutenant ought to exercise the prerogative of mercy, it is where sentence of transportation is commuted to another sentence. I think that, where it was thought proper by the judges that the prisoners should be removed from this country, it required great delay and consideration before those prisoners should be allowed, after a certain time, to go back among their associates. But it appears that there were only three such cases; and that the ground of commutation was the unfitness for the voyage. With regard to the whole number, it appears that the remission in point of time was 140 months in all, that is, upon the average each prisoner obtained about five weeks of remission by this exceedingly wanton exercise of the prerogative. Sir, I believe that certainly there is no prerogative which requires to be exercised with greater care or with more consideration of all the circumstances than the prerogative of mercy; but this, Sir, I likewise believe, that if you entrust this prerogative to the Lord-lieutenant, without he is utterly unfit to perform any of his duties, you must leave to him the consideration of the circumstances which should guide him in the exercise of that prerogative. I believe it is utterly impossible that you should obtain, by means of a Select Committee, all those circumstances which would induce you to say, that in particular cases the prerogative has or has not been properly exercised, and that it is one of those prerogatives which those who have exercised it have always declined to have submitted to question or investigation. I believe the right hon. Gentleman opposite, in 1827, when questioned in this House concerning the grounds on which he recommended the remission of a sentence, declined to state them, taking the responsibility of the act upon himself. I also know myself, that shortly after I held the office which I at present hold, an hon. Gentleman, the Member for Finsbury, proposed an address to the Crown, praying for the remission of the sentence on the Dorchester labourers. I declared, that if the House interfered with the exercise of the prerogative, I should consider that the confidence of the House was lost, and I could no longer hold the seals of office; and if I am not mistaken, the right hon. Gentleman (Sir R. Peel) supported me in that determination, and said, that it ought to be left to the Ministers of the Crown to consider whether there were not circumstances which rendered the exercise of the prerogative of mercy necessary. For the sake of that prerogative, which I think one of the most important, and, at the same time, one of the most delicate of the prerogatives of the Crown, I see with very considerable alarm the appointment of a committee to enter into all those statements, and to examine evidence which, depending upon circumstances, might be related partially by those who disapproved of the judgment of the Lord-lieutenant. Unless you come to some opinion on this subject—and this, Sir, is another reason why I wish the House to come to an opinion, the Lord-lieutenant of Ireland will be unable in any one case to make a decision, without those to whom that decision may not be palateable, saying, "You have decided by virtue of the prerogative of the Crown; but we know there is another tribunal—there is a committee of the House of Lords — there is a committee sitting, moved for by Lord Roden, with a majority of more than two to one. In that committee we know we have a majority. We have chosen a jury to try the cause;" as the petition presented by my noble Friend (Lord Stanley) from Rochdale says, "a committee giving a clear majority to our own friends; the Lord-lieutenant may say what he likes as to the remission of sentences, but he will appeal from the prerogative of the Crown to the committee of the House of Lords." Sir, I say this is not all. If the House is of opinion, that Lord Normanby was unfit to exercise this privilege, pass a vote of censure upon the Lord-lieutenant of Ireland and upon the Government that have confided in him, and retained him in that situation; say, that he is an unfit person to exercise that prerogative; but do not say—if you value the prerogatives of the Crown and the constitution of the country—do not say, that this most sacred and inviolable of the prerogatives of the Crown shall be submitted to the party decision of a committee of one House of Parliament. Sir, there is another question with respect to societies and associations. One of those societies has been inquired into by this House—I mean the Orange Society. A great deal of evidence was procured, which satisfied the House generally that that society ought not any longer to remain in existence. Previously to that decision I had given advice to his late Majesty, which his late Majesty was graciously pleased to approve of, that I should write a direction to the Lord-lieutenant of Ireland not to place in any office, or in any place of authority under the Crown, persons who belonged to that society, unless they declared, that they ceased to belong to that society. In consequence of that step, and in consequence of the Address of this House, the Orange Society was dissolved. I shall always rejoice in that fact, as I do think it one of the circumstances by which the state and condition of Ireland has been improved, namely, that there no longer exists a society with secret engagements, having the confidence and approbation of some Members of both Houses of Parliament. The House will recollect, a short time previously to that change, and a little while before the administration of the government of Ireland by Lord Normanby, the assumption of the Orange ribands and insignia by a magistrate, which was in a great degree countenanced and permitted by the Government of Ireland under Lord Haddington. When I stated my views in favour of an inquiry with respect to the Orange Society, I stated at the same time when an hon. Gentleman gave notice of a motion with respect to Riband societies, that if he chose to make that motion he should have my support, and that if he had reason to believe that dangerous combinations of that kind existed, although I believe not amongst persons of the same class that was supposed to belong to the Orange Society, I thought they were a proper subject of inquiry, as I wished to see all such societies put an end to. But, Sir, there have been other societies of a different nature, not having secret engagements, but political associations. In the conduct of those associations, the hon. and learned Member for Dublin has always been an active and prominent person. I have given the reasons already why I think that after the experience we have had of Irish history, after the concessions that have been made to associations, and the concessions which have been refused to humble petitions, it was naturally to be feared, that an opinion would grow up in Ireland that concessions might be had, that changes favourable to popular views might be entertained, but would not be entertained till an association had made itself formidable by its numbers and extent. Sir, the House ought also to consider, that sometimes there is great provocation and excitement to induce the people of Ireland to enter into such associations. The House ought to consider this, and to recollect a famous speech that was made in the other House of Parliament, which rendered it difficult, if not impossible, for the Irish people to restrain themselves from resisting such provocation. I will even confess, that if I had been in the position of the hon. and learned Gentleman near me (Mr. Pigot), who enrolled himself in one of those associations upon the occasion of such provocation, that, as an inhabitant of Ireland, and with my feelings roused by the occasion, however much my cooler judgment might have been against permitting the existence of a society so constituted, I very likely should have joined such an association. But, Sir, the Government of this country and the Government of Ireland have discountenanced such associations, and the year before last the hon. and learned Member for Dublin gave up an association which he proposed, because it was the opinion of the Government that such an association had better not continue. That hon. and learned Gentleman was informed, when he projected the association now existing, of the unfavourable opinion which the Government here, and Lord Normanby entertained of the existence of that association. Those associations, as I think, have always weakened the force of Government. They take something from the authority of the laws, and they always give some encouragement to other combinations of a more illegal and dangerous character; and I, therefore, do hope certainly that we shall see gradually a discontinuance of such associations. But this is one of those evils with which the government of Lord Normanby has had to struggle, owing to the impolicy and injustice of former governments. It is an evil with which he has had to struggle owing to the proclamation that has been made, that to associations you will yield, but to petitions you will never concede. It is therefore I think no reproach to the government of the late Lord-lieutenant of Ireland that these associations have existed in his time, but it is, I think, a glory to his administration that those associations have never taken the dangerous character which they assumed in former times, and which it was absolutely necessary to frame laws to suppress. There is another matter with regard to the distribution of patronage by the Lord-lieutenat of Ireland, upon which there has been a great difference certainly in his conduct and that of former governments. Upon that subject I am ready to say that I think—as my noble Friend near me (Viscount Morpeth) stated last year—that the favour and patronage of Government should be given rather to their friends and supporters than to their decided and inveterate enemies. I know no policy or wisdom in pursuing any other course. Who have been the supporters of Government in Ireland since 1835? Sir, I confess, a great change has taken place in that respect, and that, whether right or wrong, the Government has had the support of a great majority of the people of Ireland. I do not deny the fact. I am proud to proclaim it, and I think we have evidence of it in the petitions that have been laid on the Table of the House this night, when we have seen, perhaps for the first time, numerous petitions coming from those who undoubtedly represent the great mass of the Irish people, praying this House not to assist in the removal of a Government which they look upon with favour and confidence—a government, which they say has conducted affairs upon principles of which they approve, and if the Government is continued, it will be continued on the same principles. Sir, I know not why, if we conduct the Government of England according to the wishes of the people of England—and if we conduct the government of Scotland, according to the wishes of the people of Scotland—I know not why in Ireland the opinions and wishes of a small minority only should be consulted, and the great majority should be totally omitted in the list of the best supporters of Government. I say, on the contrary, that we can have nothing firm, that we can have nothing stable, that we can have no permanent improvement, unless we act on such principles as shall carry with them the good will and the confidence of the Irish people. I appeal to the general testimony of those who know Ireland, and to those who represent the people of Ireland, when I say that the state of Ireland has been improved in consequence of the good will and favour with which the people have regarded the Government of that country. We have passed laws affecting the condition of the poor of that country—we have passed a law by which, in future, we trust such evils will be prevented as have of late years tended to distract that country; but this must be of slow operation, and can only produce any effect at the end of a considerable time. I have a statement here which it is scarcely worth while to read at length, but it is a statement made by the Duke of Wellington of the state of the 40*s*. freehold franchise in Ireland of 1829. The Duke of Wellington said—

> "The whole affair was managed, and the money paid by the landlord, or the candidate, or was in some other way made the object of a job for promoting the political influence of those who took the trouble of managing it. It also appeared from the authority he had before quoted, that the people were driven to the hustings in large numbers; that they were looked upon as part of the live stock of the estate; and that they were scarcely treated like human beings. Property has its value as well as its rights; and that it is to the neglect of these in times past, that many and most of the present miseries are to be attributed."

In 1829 we made a great change; we disfranchised those 40*s*. freeholders, and gave the franchise to a higher class. We fixed 10*l*. as the franchise for the future. I am not speaking now of the political wisdom of that arrangement; but it is obvious that one of the consequences would be, that those landlords who were hitherto so regardless of their tenants, who had been so regardless of that House, and of the constitution, as to make those tenants march in thousands to the poll, like persons having no will of their own, when they found the political benefit taken from them would have no regard to the misery or wants of those unfortunate persons, but would re-distribute their property according to the political benefits that could be derived from it. This, Sir, is an additional difficulty, with which the government since 1829 has had to deal. Since, then, and my noble Friend near me has declared the fact, the rights of property have been exercised with the utmost rigour, not only, as Mr. Drummond has said, in former times, but at the present day. That evil will be to a certain extent remedied when every person who shall be turned out of his House, every person who shall be driven from his cottage, can at least go and ask relief from a board of guardians. But what has hitherto been the case? We have it on the evidence of a person, a land-surveyor, Mr. Cahill said in his evidence before a committee—

> "State generally what has become of them; (1,126 poor people ejected). Do they continue wandering about?—I have known on one estate which is near me, and which I had regulated for a gentleman, there has been a great many of the old people turned off that became beggars, and a good many of them died of want.—Do you mean they died from want?—A kind of distress; being turned out of their houses, and many of them became beggars and died; some of them are labouring in different parts of the country, but the old people in general died; I can state to the committee the number that died to my own knowledge."

We have this going on now. It was lately going on. I am not referring to what was done in former days; I am not referring to the year 1775, but to that of 1839, up to the April of which these harsh ejectments have been continued. At that time persons were driven from their homes by means of a large military force—by means of infantry, cavalry, and police—although no resistance of any kind was offered; and any government that exists in Ireland has to deal with the outrages that may be produced by persons of this kind being left to starve, the landlords merely providing for them for a few weeks, or at most for two or three months, after which period their existence is left wholly uncared for. Tell me not, then, that in 1839, or in any period that has elapsed from 1835 to 1839, or at any period of those four years, we could remedy the evils that were so deeply rooted, or that we could expect that outrages would not be committed, arising from causes that have long prevailed. The right hon. Gentleman (Sir Robert Peel) seems to admit this statement as if it were a matter of course; but he must see that the complaint has been made; that such statements have been heard, and that the appointment of this committee, and the debate which has been sent to Ireland accompanying it, takes for granted that these outrages and crimes have been owing to the conduct of Government, which during the last four years has had the administration of Ireland. I say, then, that of all these evils we cannot expect that a cure should be effected, but in the course of a long period of time. The right hon. Baronet opposite, in 1829, in reading a letter complaining of outrages committed upon the person in Ireland, attributed them to the diseased state of the country. Are such evils to be remedied in four years? Can we

Pluck from the memory a rooted sorrow;
Raze out the written troubles of the brain;
And, with some sweet oblivious antidote,
Cleanse the foul bosom of that perilous stuff
Which weighs upon the heart?

This is not in the power of any government by means, either of legislation or administration. But we may do this—we may show that we are determined to do justice to all parties. We may show that we are determined to promote such laws as will tend to diminish poverty and misery. We may show that we have confidence in the people, that we will place reliance upon the affections of the people, and we may then expect that in time that confidence, long estranged, will return—that in time that affection, greatly alienated, will be again turned towards our Government. We may expect, that misery and poverty, the accompaniment of too great a proportion of the population, will yield to the remedies that we apply, such as those remedies which the wisdom of the ministers of Elizabeth applied during her reign in this country—such remedies as the ministers of William 3rd applied, during his reign, to the disorders of Scotland. Yet let me not be understood to say, that the Roman Catholic religion could be united to the State as the Presbyterian religion of Scotland has been. But it appears to me, that in 1829, when a settlement was made of the Roman Catholic disabilities, other measures might have accompanied it which would have made the task of Government more easy to those who have to administer it. Still if permanent benefit is to be obtained, it must be sought by administering fairly to the people the law by which they are ruled, and by pursuing the principles which we have pursued, by adopting the maxims which we have adopted, by giving the people that confidence which never has been given to them, and which never can be given to them by an administration consisting of persons who have ever been hostile to them, and who even now, in this year of 1839, in granting a municipal franchise to Ireland, such as has been granted to England and Scotland, deny them the miserable boon of having a franchise of 8*l.* instead of a franchise of 10*l.*; who insist upon it that if we give a municipal right, we shall restrict the boon, thus recording our distrust in the same statute by which we give them privileges. Under the administration of persons professing those opinions, I do not believe that the complaints of Ireland will be permanently redressed, and I do not believe that the heart of Ireland will be reconciled to this empire. Before I conclude, I will now beg to read some words written by Mr. Burke, towards the end of his career and of his life, at a time when he complained of being neglected by the Government of the day, and when he had also broken off all terms with the opposition, having, in short, separated himself from his political connections, and, as may be inferred, divested himself of political influence. Mr. Burke said in a letter on the affairs of Ireland (1797):

"I have been long, but it is almost a necessary consequence of dictating, and that by snatches, as a relief from pain gives me the means of expressing my sentiments. They can have little weight in coming from me; and I have not power enough of mind or body to bring them out with their natural force. But I do not wish to have it concealed that I am of the same opinion to my last breath, which I entertained when my faculties were at the best, and I have not held back from men in power in this kingdom, to whom I have very good wishes, any part of my sentiments on this melancholy subject, so long as I had means of access to persons of their consideration. As to a participation in the part of the Catholics in the privileges and capacities which are withheld, without meaning wholly to depreciate their importance, if I had the honour of being an Irish Catholic, I should be content to expect satisfaction upon that subject with patience, until the minds of my adversaries, few but powerful, were come to a better temper; because, if the Catholics did enjoy, without fraud, chicane, or partiality, some fair portion of those advantages, which the law, even as now the law is, leaves open to them, and if the rod were not shaken over them at every turn, their present condition would be tolerable—as compared with their former condition it would be happy. But the most favourable laws can do very little towards the happiness of a people, when the disposition of the ruling power is adverse to them. Men do not live upon blotted paper. The favourable or the hostile mind of the ruling power is of far more importance to mankind for good or evil than the black letter of any statute."

It is that disposition which I invoke, and not any favour to, or confidence in the present Administration. It is that favour which I invoke—a disposition of mind favourable to the Irish people, and which I ask you to assert to-night. Sure I am, that if you agree with the opinion that dictated the appointment of a committee of the House of Lords, infected as it was with the previous statements that were made, you will not infuse into the people of Ireland a belief that the Government which you will probably establish really means well and favourably to the Irish people. Depend upon it, you will never infuse into their minds a notion that you really wish to see them on an equality of privilege with us. They will have a constant and rankling suspicion that justice will not be impartially administered—that favour will not be impartially shown. In saying this and in asking this House for its opinion, I know very well that while I must encounter the hostility of the numerous party opposite with regard to this question, that the present Government likewise is not regarded with favour upon other subjects—subjects totally removed from the present, by another portion of this House. An hon. Gentleman has given notice of a motion which he intends to make, should I be successful in carrying the resolution I mean to propose. I need not at present enter into the discussion of that resolution which is totally different from the subject in hand, and which will, no doubt, be preceded by a statement by him of the reforms which he intends to propose, and the subject matter of them, and which the House will in future decide upon. That they are not minor reforms—that they are not reforms of trifling importance—we must gather from his having given notice of it upon this occasion. When he states his opinions on his amendment—when he states the extent to which he means to go—I shall be ready to state my opinions on the subject, adhering to opinions which I have declared in this House, not as those opinions have been by some carelessly, and by others carefully, misrepresented—but opinions resting upon great principles, and having in view, as I think, the future welfare of this country. Sir, the difference of opinion which the hon. Gentleman entertains, may be a difference of opinion which may lead him to say that, however he may agree with us with regard to this resolution, that however he may agree with us with regard to the support of the government of Ireland, yet the difference upon other subjects is such that it is far better that he shall do all in his power, in union with all those who may agree with him, to make way for another government in this country. I shall, however, rest satisfied with the decision of this House upon the subject. I cannot say that I think the course which the Government has pursued with respect to Ireland, or with respect to the general questions which have affected this country, is a course from which we ought to depart. I am not prepared to say that the acts of reform which have succeeded the reform in the representation in 1832 have been trifling or unimportant. When the time comes I shall show that we have made considerable changes—that we have gone far to reform abuses, and that the spirit in which these reforms have been carried will lead quietly and gradually to other reforms and other safe and salutary changes, whereas an abrupt interruption of them might stop the progress of reform altogether. That is the argument which I may be prepared to hold if that question shall be brought before the House by the hon. Gentleman. At present I have only to consider that although a majority of this House may approve of our Irish policy, yet that the present Government may have run its course, and that another government may succeed it. Sir, I may think the consequences to Ireland will be dangerous—I may think the consequences to the empire very doubtful; but, personally, as regards ourselves, I think we shall have no reason to regret that result. We repent not of the measures that we have proposed—we have no inclination to give way to the measures which we have thought it our duty to resist. It will be a consolation to us, on the dissolution of the Ministry, that with regard to the affairs which I have this night brought under your consideration, that with regard to these affairs of Ireland, we have endeavoured to introduce a friendly relation between this country and that part of the United Kingdom, and that in so doing we have been ready to encounter any opposition—to incur the loss of much strength, and of some popularity, in this part of the United Kingdom—that we have been ready to endeavour to unite by affection, to unite by feelings of good will and love, the people of this country and the people of Ireland—to make the whole United Kingdom stronger against all its enemies—to found the government of Ireland, as the Government of England has long been founded, upon opinion, upon affection, upon good-will; and that if the Ministry should fall, it will fall in an attempt to knit together the hearts of her Majesty's subjects.

Sir *Robert Peel:* I do not regret that I have given to the noble Lord by declaring antecedent to the present debate the amendment which I meant to move, the advantage of which he has largely, but not unfairly, availed himself, of commenting on the terms and purport of that amendment. I consider that I made no concession; that I deprived myself of no advantage by not concealing the terms of the amendment until the moment of submitting it to the House. I felt that the propositions contained in it are so consistent with good sense, so founded in justice, that I willingly granted that opportunity for comment which an early declaration must give. I sought to conciliate no support. I sought not to exclude the support of any man, who, differing from me in opinion, might yet think the amendment justified by truth and by reason; and I did not attempt so to frame it as to conciliate those from whom on most questions of policy I widely differ. Sir, I was advised not to introduce the name of the House of Lords, because the name would raise opposition from those Gentlemen of extreme popular opinions, who are necessarily opposed to the House of Lords. I was asked to move for a Committee on the state of the nation, as a plan more captivating to many than any other I could adopt, but I refused either proposal. In this great crisis—for great it is when the House of Commons is called on to make a partial declaration of confidence in Government, and to seek (as I think) an unjustifiable collision with the House of Lords. I endeavoured, in framing my amendment, to consider nothing but the considerations of equity and reason, and I felt, that although a majority might trample on that amendment, it could not extinguish its vitality and living principles. Such were the motives which actuated me in framing the amendment which I mean to submit for the approbation of the House. And now I will appeal to the House whether it be right at this moment, to ask the House of Commons for a partial declaration of confidence in one branch of public Government, in one branch of the Legislature, amid the difficulties that surround us? Are you justified in seeking a collision with another branch of the Legislature? These are the questions you have to determine—and I now say beforehand, that, if in arguing them, through the strength of my conviction, or betrayed by the hastiness of debate, which it is difficult, when the conviction is strong, utterly to restrain; if I introduce any language better fitted for the acerbity of party contention, than the gravity of this great occasion, I make at once a preliminary apology for the introduction of such language. Sir, to me this introduction of an abstract principle on the subject of Ireland—the introduction of it by the noble Lord—the introduction of it in the month of April—may awaken reminiscences of former years, and the results of former motions. I may not be able to administer so far the oblivious antidote of which the noble Lord has spoken, as entirely to forget the abstract resolution of 1835, moved in April of that year by the noble Lord; but this I can undertake to do—I can raze from my mind and memory any feeling of animosity on account of that resolution. And, although I shall refer to that resolution as one of the instances of the impolicy of such proceedings, I shall prove, I hope, that I am not labouring under any of those irritating feelings which the most generous minds may imbibe in the heat of political conflict.

Sir, I have two propositions to submit to the House in support of my resolution, and in opposition to that of the noble Lord; and I will attempt in my argument to keep as closely as possible to the principles involved in them. My propositions are these—First, that it is not fitting nor suitable to the character or functions of the House of Commons to make abstract declarations of opinions with respect to the public policy of the Government, unless under particular and special circumstances and cases of emergency. That is my first proposition. My second is, that my objection to abstract declarations of opinion are infinitely aggravated when they are sought as causes of unjust conflict with the other branch of the Legislature. If I establish either of these, I have, as it appears to me, a conclusive argument against the proposed resolution of the noble Lords, and all I ask is an indulgent hearing while I attempt by argument to support them. I say, in the first place, that a declaration of confidence in the Executive Government on the part of the House of Commons, ought neither to be asked for nor given, except in extreme cases. Confidence ought rather to be inferred from the general support the House gives the Executive Government, from the manner in which it deals with the legislative measures proposed by Government, than from any abstract declaration of opinion. There are, I admit, occasions which may justify a Government in calling for such declarations; but they are rare, and extremely rare, when the House of Commons should select one particular branch of the public policy of Government, and, passing by all other branches, mark with approbation that detached and single portion.—By taking such a course you will lead the House of Commons into great embarrassment. It is difficult to conceive any Executive Government which does not adopt some branches of policy not entitled to support. It is difficult to conceive a Government without some error; and a partial approbation or condemnation, leaves the public at a loss to know whether or not the Government possess the general confidence of the House. In fact, a pronounced approbation of a single portion of policy implies a disapprobation of all which is not mentioned; and you may make it impossible to form a Government, if you persist in this course. Instead of gathering from the general support of the House, a conviction that the Government merits and therefore receivesthe confidence of the legislature, the public will require a declared approbation of every part of its policy, and will require that approbation to be renewed every time any part of its policy is questioned; you will thus paralyze the whole administration. You will make it impossible for the Government to move without continual votes of approbation of every part of its policy. I say, therefore, and every one will admit, that there ought to be some strong foundation for calling on the House of Commons for an approval of one part of your policy. Still it may be possible that partial declarations of confidence may be justified. They may have this advantage, that by limiting them to a single branch of policy, you obtain a clear and explicit definition of the principle, and a clear exposition of the practice of which you mean to approve. But if you commit this double error, that you take a single branch, and have not the courage and the manliness to declare the principles of the policy which you ask the House of Commons to approve of—if you do not tell us clearly the period when that policy has been in operation—if you do not make it explicit beyond all doubt, what are the measures, and who are the men you ask the House of Commons to approve of, then you are involving the House in a false position, and establishing a precedent as fatal as any ever adopted. Is not your resolution open to this objection?—is it not partial and unsatisfactory in its construction? Is it not vague and indefinite? You ask me to approve of the principle that has guided the Executive Government of Ireland — but the Executive Government means her Majesty's Government generally. You cannot separate the Executive Government of Ireland from the cabinet which presides over all our affairs. You cannot pay a compliment to Lord Normanby and to the noble Lord opposite (Morpeth) without paying it to all the members of the Executive. Do you recollect the case of Lord Glenelg last year? Do you recollect that when it was proposed last year, to pronounce a censure upon that branch of your Administration over which that noble Lord presided, you declared that it was impossible to separate an individual Member of the Government from the rest of his colleagues. If you have forgotten, I will remind you of the circumstance. Why, Sir, it is but rarely we can relieve the severe performance of our duty by the exhibition of romantic and chivalrous affection; but I must say, there was something most gratifying, when the attack was made by the hon. Member for Leeds, on the noble Lord's Colonial Administration, there was something delightful in the feeling of public devotion and private affection which made the entire Cabinet rally round Lord Glenelg, and cheerfully offer him their support. That feeling was a just one so far as this, that a man more amiable in private life, more desirous of efficiently performing his public duty, a man who showed greater ability in debate, or conciliated a greater degree of good will even in opponents, never existed than Lord Glenelg. I am quoting this instance to show, that if censure cast upon an individual Member of the Administration is to be construed as a censure upon the Government, a compliment to the executive Government of Ireland is a compliment to the Cabinet generally. I remember how the noble Lord, the Secretary of Foreign Affairs, rushed forward on that occasion. Never, since the days of Nisus and Euryalus, was greater or more affectionate zeal exhibited:—

"nihil iste, nec ausus,
Nec potuit: cœlum hoc et conscia sidera testor:
Tantûm infelicem nimium dilexit amicum."

The noble Lord said, "Did the hon. Baronet suppose that the present Cabinet either would or could remain in office, if one of its Members were to be driven from it by a direct vote of censure of that House? Why, if they could be so base and dishonourable, that House would never permit a set of men to retain their places, who had allowed one of their number to become a 'scapegoat to save themselves. Those were the words used by the noble Lord, who was determined not to incur the reproach levelled by the sarcastic moralist at the quondam companions of the

——— "poor sequestered stag,
That from the hunter's aim had ta'en a hurt,"
"When
most invectively he pierceth through
The body of the country, city, court."

Lord Glenelg was not to be

"Left and abandoned of his velvet friends."

. Misery was not to part

"The flux of company."

Upon that occasion the Government did present an instance of generous devotion which is rarely seen; but it established the principle, that the act of one part of the Government is shared by all. But if that principle be just, so when a compliment is proposed to a particular branch of the Administration, you cannot exclusively appropriate that compliment to one department, but the whole Administration must participate in it. This, then, is a compliment sought to be paid to the executive Government of Ireland. Do you mean, then, to extend that approbation to the course of legislative policy which the Government has pursued with reference to that country? Do you mean to say, that in paying a compliment to the principles which have pervaded the executive Government of Ireland, you cordially approve, in respect to legislation, of the language of this resolution? What, then, becomes of the forty-six Gentlemen who followed the hon. Member for Sheffield last year in denouncing the Government for the course which they had pursued in reference to legislative measures for Ireland. Is, then, this vote of partial approbation not to be construed as extending to the legislative policy of the Government, and is it to be confined solely to the administration of the affairs of Ireland? Is this to be your vote in contradiction to what you assume to be the censure of the House of Lords—an assumption of which I utterly deny the justice? Finding yourselves, as you say, censured by the House of Lords, you come forward and ask the House of Commons, in opposition to the House of Lords, to approve of your conduct; but you are not even explicit enough to tell us for what period you demand approbation. No; what you ask is, that "the House approve of the executive policy which has guided the Executive Government in Ireland of late years." I will not trouble the House with voluminous quotations from writers, to show you the various periods to which the term "late years" has been applied, but merely assert, that it has been applied to every number of years from two to one hundred. But will the House of Commons not require any further specification of the period to which the resolution applies, than is to be found in the expression of "late years?" Now, I ask you this distinct question, and I hope the noble Lord opposite will interrupt me by answering it. Do you mean to include the Administration of Lord Grey, Lord Wellesley, Lord Anglesey, and Lord Plunket, in your vote of approval—or do you mean to deliver up these noblemen to the obloquy which has been cast in certain quarters on their administration of Irish affairs? Do you mean to institute an invidious contrast between the government of Lord Grey and Lord Melbourne—or to have Lord Normanby complimented at the expense of Lord Anglesey? If you include Lords Wellesley and Anglesey, how is it possible for those to join in the vote who were formerly so loud in censuring these noblemen—who declared them unworthy public confidence, and stigmatized their whole course of conduct as marked by hostility to Ireland? If you mean to exclude them, I ask you why you have not had the manliness to say so? Why do you not say, that Lord Melbourne's Government commenced in 1835; our approbation, therefore, is limited to the same period, and applies exclusively to that Government? But, no. You evade that difficulty—you are unwilling to make the invidious contrast between Lord Grey and Lord Melbourne, or between Lords Wellesley and Anglesey on the one side, and Lord Normanby on the other; and in calling on the House of Commons to sanction and approve your policy, you cover your meaning under the convenient generality that it is the policy adopted of late years. But probably you take the more generous course, and you do mean to include Lord Anglesey and Lord Wellesley in your vote of approbation. I infer that, indeed, from the speech of the noble Lord; because the noble Lord stated, obscurely, indeed, and rather by insinuation than in direct terms, that Lord Wellesley had not been quite so successful in conciliating public opinion as Lord Normanby, but he had been beset by great and peculiar difficulties. Well, then, do you exclude Lord Wellesley or do you not exclude him from your vote of approbation for his administration of the executive in Ireland? Mind, merely executive, for the legislative function is entirely omitted in this motion. That you include him, would be of course the generous reply. Well, then, you include him. But if you include him you must include me. This makes a great difficulty. For when you ask me for a vote of approval of the conduct and principles by which the Executive Government of Ireland has been guided of late years, you leave me in great doubt, intimately connected as I myself have been with the Executive Government in that country of late years, whether you mean to approve and sanction my conduct or not. I suppose, of course, you mean to exclude me from this agreeable mark of your approbation. That I take for granted. But if you mean to include Lord Wellesley how do you manage to exclude me, for five years, from the year 1822 to the year 1827, I had the honour and satisfaction of acting in conjunction with Lord Wellesley in the Government of Ireland? There was no difference of opinion between us in relation to Irish policy, and the difference which led to our estrangement was in no manner connected with Irish affairs. I acted with Lord Wellesley as Lord Lieutenant, and with Lord Plunket as Attorney-general of Ireland, and if either Lord Wellesley or Lord Plunket disapproved of my principles of government in Irish affairs, I ask you to call on them to shew why they did not separate themselves from me. Again, I repeat, that the disunion which took place between us was not on the point of executive administration in Ireland. I acted also with Lord Melbourne, who was Chief Secretary for Ireland when I was Secretary of State. I presume that Lord Melbourne, in the executive administration of affairs in Ireland, has been acting on the same principles of late years as those on which he formerly acted. Again, therefore, your approbation extends through him to me. No agreement of principles on the administration of the law and on the executive affairs in Ireland, could be more cordial than the union which existed between Lord Melbourne and myself, whilst Lord Melbourne was Secretary for Ireland, and I was Secretary of State. My separation from Lord Melbourne did not arise from any difference in our views with regard to the administration of affairs in Ireland. From what period, then, do you date your approbation of Irish policy? Perhaps you will say, from the commencment of Lord Grey's Government in 1830? Is it so? We were then excluded from power. You brought forward the Reform

Bill, and we ceased to exercise any direction over the Irish Government. Is it, then, from 1830 that you date your approbation? Perhaps you will not date it from so long a period. Is it, then, from 1834? Will you date it from the period of Lord Grey's retirement from power, and your separation from my noble Friend, the Member for Lancashire, and my right hon. Friend, the then Member for Cumberland? Is it so? Well, let us take it from 1834, still you must include me. You make no exception. You say, that the principles which of late years have guided the executive Government in Ireland are entitled to public approbation; and taking the most limited and restricted period, namely, from the year 1834, the Government over which I presided comes in for its share. I say, with the noble Lord, we must have something definite and precise. We cannot praise two governors of Ireland, acting on different principles—we cannot praise Lord Haddington and Lord Normanby. No; but you evade the difficulty; for, if you take your stand from the year 1834, when Lord Grey retired from power, yet still Lord Haddington administered the executive in Ireland during the Government over which I presided, and you make no exception, but merely ask the sanction and approbation of the House of Commons for the policy pursued in Ireland of late years. Why, if you do not mean to include our policy, why do you not say so —why not state explicitly what are the principles which you ask us to approve, and what is the period of time during which those principles have guided the administration of the executive in Ireland. Is it fair—is it decent, to call on the House of Commons for an abstract declaration of approbation of certain principles of government, and yet neither define those principles, nor state during what period they have been in operation? Now, what are those principles which we are called on to approve? If you say they are the principles which have governed Lord Normanby and the present Administration in their administration of affairs in Ireland, I should still object to the sanction you ask for on account of the indefiniteness and vagueness of the resolution. And if this be really what you do mean, why have you not the courage and manliness to say so? Why do you not tell us why you exclude the Marquess of Anglesea—why you exclude Lord Wellesley—why you exclude Lord Grey's Government. At least, it may fairly be supposed, from the language of your resolution that it extends to the period, and to all Governments since 1830. I say, then, if so, the ground on which I dissent from this resolution is on account of the vagueness, and indistinctness, and the indefinite nature of the principles for which it asks our sanction; principles neither expressed in the resolution itself, nor to be inferred from any period named in it as the period of their operation. I come now, Sir, to the second point. I ask the question whether you are justified in entering into collision with the House of Lords?—for mark, it is collision, this proceeding means nothing less—and that it is a collision is the impression which has prevailed generally throughout the country, and is, indeed, a very natural construction of the noble Lord's proceeding. For the noble Lord, the very day after the vote of the House of Lords, came down to the House and gave notice of this motion; and what was the comment made on it in Ireland? It was in these words—" This is a manly course; this is seeking collision with the House of Lords." Now, Sir, the entrance into collision with one of the constituted authorities of the State is no light matter. It will be well for this House to consider maturely what are the instruments or means which they have in their power to carry on such a contest, as well as what consequences are likely to come from it. It is incumbent upon us, before we enter on this conflict, to ask ourselves whether there is any justification for the collision we are about to begin. Now the professed justification seems to be, that the House of Lords appointed " a Select Committee to inquire into the state of Ireland since the year 1835, in respect to crime and outrage, which have rendered life and property insecure in that portion of the empire." This, then, is the foundation for the projected collision. Now, Sir, how does this House stand in relation to the other House with respect to the legislative measures affecting Ireland? Is there so extensive a difference as to render a collision likely with respect to legislative measures? On the Poor-law Bill the two Houses have come to a concurrence; on the Tithe Bill the House of Peers has concurred with the House of Commons; on the Municipal Corporations Bill a difference has hitherto prevailed. But you do not seek for the elements of quarrel surely in the Acts of last Session? You profess your proceeding to be founded solely on the appointment of a Committee of the House of Lords, which you consider (and indeed it is necessary for your argument) and construe into a vote of censure on the Government. As far as legislative proceedings are concerned, you have not a pretence for a quarrel with the House of Lords; for with reference to them during the present Session, not one communication has taken place between this House and the House of Lords. And the single act from which you have a right to infer any thing of the intentions of the House of Lords is this:—You asked the House of Lords, on the first day of the Session, to reply to a paragraph in the Speech with respect to municipal corporations; and in the Address which the House of Peers presented to her Majesty, they said, "We concur with your Majesty, that the reform and amendment of the municipal corporations in Ireland is essential to the interest of that part of the United Kingdom." You may have thought it discreet to introduce such a paragraph into the Queen's Speech, knowing as you did the opposition which was formerly made to your views on that point, and, indeed, I myself should have much difficulty in pronouncing such a reform to be so "essential;" but the House of Lords, be it remembered, at your suggestion, reviewing the conflicts that had taken place, yielded to your views, and adopted them in their Address. So far, then, as we know of the intentions of the House of Lords with respect to legislative measures relative to Ireland still pending, there appears to be nothing on which to found the slightest pretence for the collision sought. The sole cause assumed for the collision is, that the House of Lords have appointed a Committee, to inquire into the state of Ireland since the year 1835 in respect of crime and outrage, which had rendered life and property insecure in that part of the empire; and which appointment the noble Lord, in the course of his argument, assumed to be a virtual censure on her Majesty's Government. I deny that it is a censure, or can be considered as tantamount to a censure. The first question that arises, then, is, whether the appointment by the House of Lords of that Committee be a vote of censure, or not? And I ask you to listen for a brief while to the argument by which I shall endeavour to prove that such an assumption is not a fair one. The noble Lord said not exactly that it was a vote of censure, but that it was *prima facie* a censure. Now, I can understand what a *prima facie* case means; but I do not exactly understand what is meant by a *prima facie* censure. There may be grounds for it, but the noble Lord's expression, as applied to the vote of the House of Lords, I do not exactly understand. But is the appointment of a Committee by the House of Lords a vote of censure on the Government, or not? I deny that it is, or that it is to be considered in that light. It may be a questioning of their policy, or rather an appearing to question their policy; but to justify the noble Lord it is requisite that they should adopt some far less equivocal course. For have we, I ask, never appointed Committees to inquire into the state of Ireland? And did we consider such an appointment as tantamount to a vote of censure—did we consider that, by so doing, we were paralysing the functions of Government? Why in 1824, Lord Althorp proposed a Committee to inquire into the state of Ireland, and the motion, as amended by my right hon. Friend, was agreed to, and a Committee appointed to inquire into the state of that country, and more particularly as to the circumstances which led to the disturbance that prevailed in that part of the empire. The inquiry was a large one. The acts of the Government, its conduct and policy, came into question, though the inquiry was limited to that part of Ireland in which disturbances had prevailed. When Lord Althorp moved for that Committee it was not contended that the functions of Government were incompatible with the appointment of such a Committee. It lasted two years, every subject was inquired into, and though the Catholic question was carefully excluded from the report, every practical subject relating to the functions and operations and policy of Government, and the administration of justice, was inquired into—not merely the administration of justice, but the prerogatives of the Crown and the exercise of the prerogative of mercy itself. How, then, can the House of Commons, with this example before their eyes, an example so complete, where the Committee had powers so extended, and yet where no one ever ventured to assert, that those powers were incompatible with the exercise of the functions of Government—how can we with any consistency consider the appointment of this Committee by the House of Lords as a vote of censure, or make it a ground for coming into collision with that House? There is another instance to which I will refer. In 1827 the noble Lord himself moved the appointment of a Committee—a Select Committee—to inquire into the cause of the increase in the number of criminal convictions in England and Wales, and empowered the Committee to report their observations thereon. That Committee was appointed in 1827 by the noble Lord. Now were not the functions of justice and the administration of criminal justice brought under the inquiry of that Committee? But was that appointment considered by the House of Commons as a vote of censure on the Government? Did the House express any surprise at the Government continuing to hold the reins of office after such a vote? Certainly not. With what justice, then, can we now place on this vote of the House of Lords a construction which we never placed upon our own votes, and rush into collision with them on a mere matter of assumption and interpretation? Well, Sir, in the year 1832 another Committee was appointed. The noble Lord may, perhaps, say, that there was no occasion for the Committee appointed by the House of Lords—that the Committees of 1824 and 1825 had exhausted the subject. This, however, is quite a different argument. The noble Lord may contend, that we have had inquiry enough—that inquiry has been exhausted, and I admit it to be an intelligible ground of objection to inquiry on his part, but no ground for this motion. I protest, Sir, against entering into a contest with another branch of the Legislature, because they do not happen to entertain the same opinion as the noble Lord. If they do not agree with this House that the Committee of 1824 and 1825 was sufficient, we have no right to resent this expression of their opinion by a vote such as that which the noble Lord asks at our hands. But, in 1832, this House, at the instigation of the noble Lord's colleagues, the Member for Dundee and Paymaster of the Forces who was not satisfied with the Committees of 1824-5, who did not think inquiry into fresh crime exhausted, appointed another Committee. Sir Henry Parnell moved a resolution, which I ask you to compare with that of the other House now in question:—

> "May, 1831.—Sir H. Parnell moved Committee to examine into the state of the disturbed counties in Ireland, into the immediate causes which have produced the same, and into the efficiency of the laws for the suppression of outrages against the public peace."

Now, suppose the House of Lords had abandoned their own words, and taken those of Sir Henry Parnell's motion, would you have abandoned your objection? The words I have just read were the words proposed by a member of her Majesty's Government itself, and yet you now come forward to ask us to resent a motion which does not go so far as that of Sir Henry Parnell's. Sir Henry not only sought to investigate the disturbances, but to inquire into their causes. I will venture to say, that if any Member of the House of Lords had made that motion, the arguments that have been used here to-night would have been doubly enforced, and it would have been said that such a resolution would do nothing less than point at her Majesty's Government as the cause of disturbance and crime. These committees, however, were matters on record; they were acts of the House of Commons itself; and with these acts before them the noble Lord and the Government challenges the right of the House of Lords to inquire into the state of crime in Ireland, and holds that the claim to exercise that right was tantamount to a vote of censure upon the executive Government of Ireland. I cannot forget that there are in the House of Lords Members of her Majesty's Government who have not denied the right of the House of Lords to inquire into the state of crime, and who, if they had considered the phraseology of Lord Roden's motion so objectionable, might have taken a different course from that which they had in this discussion pursued. Why did they not say, "We consider the words so equivocal that though you disclaim, if you are sincere, all intention of conveying a censure on the Government—though the Duke of Wellington may deny that this resolution is tantamount to censure—yet we will test your sincerity, and propose the extension of the inquiry to the year 1832." If in the words, "which have rendered life and property insecure," you feared was conveyed an insinuation that they were rendered insecure by the acts of the Government, why did you not move an amendment in some such terms as these:—"With respect to such crimes and outrages as have rendered life and property insecure?" If either in the language of the resolution or in the period at which it fixed the inquiry, you, after the disclaimer of the Duke of Wellington, apprehended an implied vote of censure, why not have moved an amendment in the terms of the motion in the House of Lords—a legitimate and proper course, instead of letting it pass without moving an amendment, and then availing yourselves of it as a pretext for collision with the House of Lords? Have you no example of this course before your eyes? When last year a committee was appointed to inquire into the appointment of sheriffs, a subject ten times more objectionable than an inquiry into crime, you assented to the principle of the motion, and, only objecting to the limitation of the term over which the inquiry was to extend, you extended the time, therefore, and precluded the possibility of the appointment of the committee being construed into a vote of censure. Why not have acted in the same way on the present occasion? Why not have come down to the House of Commons with a motion for a corresponding inquiry, and by so doing have prevented all possibility of the inquiry in the Lords bearing a criminatory character? Or if there were any crimination to arise, to extend that crimination to others. I wish now you would extend that inquiry. I wish now—now, when I have heard myself charged with fostering a petty spirit of Orange domination, I wish now you would appoint a committee which should commence, not with the year 1835, but with the year 1834, or with any other year you may please to name, and which shall subject my acts and my correspondence to investigation, and I tell you at once that I will not shrink from such an inquiry. But the question now is, why, instead of asking for a collision with the House of Lords, amidst the difficulties that surround you, do you not take the course with respect to the committee on crimes and outrage, which you took with respect to the appointment of sheriffs and strip the appointment of the committee of all criminatory character, by extending the period of inquiry so as to include the acts of other parties? If the House of Lords did appoint the committee, supposing that there was something worse that induced it—not censure—but the allegation of a *prima facie* case of inquiry, can we reasonably turn round and blame the House of Lords for entering into the investigation? Least of all was it to be expected that when such charges were made, the Irish Government should have refused inquiry and expressed great indignation at its being instituted. The course which I now take is in conformity with the course I have always taken. I do not on account of any inquiry that may be made into crime in Ireland, or any amount of crime that may be proved to exist there, in order to make out a *prima facie* case for inquiry, charge that crime on the Government. I have too much experience in matters relating to Ireland to say to the Irish Government, that because there is much crime therefore you have encouraged crime. I will not visit you on this account with a vote of censure, but I think there is ground for inquiry. This is the view, Sir, in which this resolution of the House of Lords must be regarded—this the spirit in which it was passed. But because I do not censure you, I am not, therefore, to assent to your motion of approbation. I suspend my opinion. The resolution of the other House is not a vote of crimination; but I suspend my judgment till the result of the inquiry be known. I cannot accede to your resolution, and I will not meet it with a vote of censure—because, as I have not the information which may or may not result from the inquiry, that course might be unjust. But something I must say for the House of Lords. If that House did appoint a committee it was not very extraordinary, after the manner in which they had been taunted by Members of her Majesty's Government. Can any man have been prepared for the strain of indignation which has been lavished on the devoted heads of the Members of the other House of Parliament, taking into account what has been said on the subject by the noble Lord himself, who seems to have first done much to provoke an inquiry, and who now chooses to consider it in the light of a vote of censure? I thought the noble Lord himself was bursting for inquiry, and how the noble Lord, if he remembers his own words, can—I do not wish to use any expression that may be personally offensive or calculated to excite acrimony, and, therefore, changing the expression I was about to use for one somewhat milder—how the noble Lord can have the astonishing boldness, after the language used by him in reference to the House of Lords, now to turn round on them, and invoke a collision, I really cannot comprehend. Some gentlemen met in Dublin in 1837, and came to a certain number of resolutions condemning in the strongest manner the government of Ireland. Upon these resolutions, which were twenty-three in number, the noble Lord commented in the speech made by him on the introduction of the Irish Municipal Corporation Bill, and when inquiry was in the far distance no man ever appeared more anxious for it than the noble Lord—no man ever so boldly challenged the parties to come forward and submit those charges to the test of investigation. The words of the noble Lord were memorable. The noble Lord said, "it was the same miserable monopolizing minority" (this was on the 7th of February, 1837, and he presumed the noble Lord meant that the minority then was not formidable on account of its numbers—was not formidable on account of its boldness)—but the noble Lord thus taunted them for the course they had taken:—

> "It is this same 'miserable monopolising minority' which has not dared to bring forward any charge in Parliament against the present administration in Ireland; but which has met and passed certain resolutions containing charges highly criminatory of Lord Mulgrave, charges which, if true, would ensure that noble Lord's instant dismissal. And although Parliament has now been assembled for a week, and although Members of both Houses were present at the meeting in Ireland * * * not one of them has yet ventured to give any notice that he will bring before Parliament those high crimes and misdemeanours. * * *"

Why, Sir, when we were forbearing, this was the manner in which the noble Lord taunted us. But did the noble Lord mean to refer to the House of Commons only? No doubt he meant to say, that with the Commons originated impeachment, and therefore inquiry. But the noble Lord would not stop there. Oh, no, he did not give us the opportunity to escape—he cut off our defence, and plainly told us, "It may be said, although it would be a weak and a miserable argument" (the noble Lord is fond of the term miserable—he thought us miserable in a minority, and it seems that our arguments shewed the misery of our situation):—

> "That in this House no one is willing to bring forward the subject, as no one would venture to encounter the strength of the support which his Majesty's Ministers have received from the majority in this House. This, I say, is a miserable argument. * * * But is there not another House of Parliament, where this subject could be brought forward? What is the power of the opponents of his Majesty's Government in that House? * * * * Why do these gentlemen shrink from going before that House, and bringing forward these charges? They have brought forward matters impeaching the conduct and derogatory to the character of the Lord-lieutenant of Ireland, and yet they dare not bring his conduct before Parliament? It may be that, after all, they feel that whatever their majority may be in the other House of Parliament, it is not a majority for such purposes. It may be that they feel that a majority of the other House of Parliament will not sanction such accusations. But they should at least have the candour and frankness to let this be known."*

This was the language of the noble Lord opposite. Now suppose the House of Lords, in answer to this challenge, had said, "Let the charge be brought forward and we will hear it, and proceed to condemnation without inquiry," could you have been more indignant in your language in such a case than you are now? Yet you taunted them to come forward—you taunted these gentlemen to prefer their charge, but you were not visited with censure: they asked for inquiry, and now you say that inquiry is tantamount to censure, and endeavour to escape inquiry by provoking a collision. When, therefore, I compare the committee appointed by the House of Lords with the committee you yourselves appointed—when I compare the language you held, challenging inquiry, and complaining of condemnation without inquiry, I do not believe that you will stand justified by the calm and deliberate sense of the people of England in the course you are now taking. Why, is there nothing improved in the state of Ireland? the noble Lord may say. To that I answer, is there nothing in the state of Ireland to justify the House of Lords in instituting an inquiry into crimes and outrages endangering life and property? The state of Ireland may be improved—that remained to be shown—but at all events the House of Lords has the admission of the fact on which they ground their inquiry from the highest authority••from the authority of the Solicitor-General for Ireland, who said at the opening of the Special Commission at Clonmel:—

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* See Hansard, vol. xxxvi, Third Series, page 221-222.

> "I am personally a stranger to your county; but the perusal of the calendar of prisoners, and the informations on which they were committed, demonstrate to me, whatever may be the issue as to the guilt or innocence of the accused, that there can be no doubt of the lamentable fact that in no place where the law of England extends is human life less regarded than in the county of Tipperary. It may be some palliation of the crime, but it is a melancholy one, that in many of the cases where life has been sacrificed in this county it resulted from hasty ebullition of human passion, or in sudden affrays between factions in the county, in which parties have mingled in deadly conflict, for the gratification of a wild spirit of clanship. Unhappily there is another class of homicide that calls for the urgent interference of the law, and which has not the miserable palliation which I have mentioned, belongs to the former class, and which does not result from hasty conflict, or the accidental consequeuces of a chance blow, inflicted in a moment of excitement. But, gentlemen, we are compelled to say, that, in many instances, they are the result of deep-laid conspiracy, that calls for blood and assassination."

This then fully established the fact, that in no place where the laws of England extend is human life less regarded than in the county of Tipperary. The state of Ireland may be improved—the general state of Ireland may be better than it was—but when you, a Government, make the admission—when you say, by the mouth of your own Solicitor General for Ireland, that "in no place to which the laws of England extend (he might have said in no place of the civilized world) is human life less regarded than in the county of Tipperary,"—can you be surprised—have you any reason to be astonished—that the House of Lords should desire to make inquiry into the causes which have led to this deplorable state of things, and seek to ascertain why human life in that country is so utterly disregarded? Are you surprised that, when the House of Lords sees one of their own Members, living on the borders of that county, murdered at his own door in open day, and when that House finds the causes of that horrid murder yet undiscovered, the murderer yet untraced, the dreadful act still unpunished, are you surprised, I say, that they should try to come at the real facts of the case by instituting an inquiry which must have, among other objects, the investigation into the causes why the detection and punishment of that foul murder have not ensued? But you object to this inquiry, because of the individual who moved it. Is that a reason for doing so? If the inquiry be necessary, should it be silenced simply because the person who moves it is objectionable to you? What has the House of Commons to do with names or persons? Why should we oppose ourselves to a thing good in itself and having truth for its object, because a person who we may not like moves it? A person may be alluded to in a debate, and a name may be used in support of an argument; but the graver and wiser rules of the House forbid our consideration of things in reference to persons, and confine us to the consideration of them on their own merits. To call then on the House of Commons to condemn the inquiry set on foot into the causes of crime in Ireland, simply because Lord Roden has been the mover of it, is as contrary to the practice of Parliament as it is alien to all reason and justice. Now, let us suppose a case in point, a parallel case. I will suppose, for instance, that a Member of the House of Commons professing what are termed liberal opinions, has been murdered in the open day at his own door; I will suppose him to have been at the time of the murder engaged in planning improvements in the condition of his tenants, and generally benefitting, by his residence and expenditure, the whole neighbourhood; I will then suppose the House of Commons, naturally and very properly excited at this appalling outrage—at this dreadful calamity—propose to institute an inquiry into the causes which led to it; and, finally, I will suppose that the House of Lords institute some proceedings analogous to those contemplated in the noble Lord's resolution, questioning our right to make that inquiry, on the grounds that some allegation had been made that a Liberal Member of the House of Commons, professing extreme opinions, had proposed it. Now, let us suppose this case, then let us ask ourselves a single question. What would the House of Commons have said of the

House of Lords in such a case? What judgment would it pronounce upon this proceeding? And yet invert the instance, and it is the position in which the resolution of the noble Lord seeks to place us. We do not deal out equal justice to all parties. We know full well that if such a dreadful calamity as this had befallen one of our own Members, and if the House of Lords had the indecency—I say the word—of resenting our proceedings in consequence of it, there would be no limit to our just indignation, and no end to the clamour we should rightfully raise against them. And yet what is the course which it is now proposed we should pursue towards the House of Lords in a case precisely similar? The very opposite of that which we should prescribe to them to pursue towards us under such circumstances. Sir, the House of Commons should pause before it proceeds farther in this matter. What is the next step to be taken I will now ask, should the resolution of the noble Lord be affirmed by the House? When you contemplate entering into collision with the other branch of the Legislature, you should not only be acquainted with all the probable consequences of the act, but you should also be prepared to meet them. Will you call on the House of Lords to rescind their resolution? To effect any purpose it is inevitable that you should do so. If you do not do so, what do you gain by your proposition? If you do, what are likely to be the consequences? The noble Lord has said, that there are precedents for the course he has proposed to the House, and he has quoted only one to sustain him. Differences on legislative proceedings afford no precedents for the present case as between the House of Lords and Commons, because they have no application to the point at issue. When a legislative difference arises between these two branches of the Legislature it is settled by conference: you invite the Lords to a conference—you state your reasons—you perhaps hear theirs; you regret the difference, and one or the other abandons the point—setting aside the question altogether. This constitutes no precedent which can apply to the case now before us; not even the noble Lord himself will say it does. "But then," says the noble Lord, "there is a precedent, and I have it to show the House." Now what is this precedent? I ask the House of Commons to refer to it not as a rule to guide their conduct, but as a beacon to warn them off a dangerous course. What is the precedent paraded by the noble Lord, and how does it avail him? It is connected with "the Scottish plot" of 1703. In that year, suspicion having fallen on Simon Lord Lovat that he held correspondence with the French Grovernment and the Court of James the Second at St. Germain's, he was accordingly arrested. If I recollect right, a person of the name of Boucher who was in the service of the Duke of Berwick, was apprehended at some place on the coast of Kent or Sussex, as privy to that correspondence. He was taken into the custody of the Crown; but the House of Lords, being jealous of the loyalty of the Minister of the Crown, desired to have the examination of this individual themselves. The House of Commons resented this assumption of what subsequently turned out to be only a just right. But there is no analogy between that case and the case now in question. The House of Commons objected to the claim of the House of Lords for the transfer of the examination of persons accused of treasonable practices from the Crown to themselves. They said it was arrogating a jurisdiction on the part of that branch of the Legislature to which the Lords had no rightful title; and they protested against it as partial. But even then the House of Lords were right. I said in the outset of these observations that the House of Commons should look at this precedent in the light of a beacon to warn them from their present course, not as a guide to follow. In the space of five minutes I think I shall be able to prove that I advised rightly. Observe that this is the only precedent which the noble Lord could find, though no doubt he has been neither inactive nor idle in searching for them. But to what sore shifts must the noble Lord be driven when his only precedent—the only precedent on which he can rely—is one which derives its authority from an act of the high Tories of that day? This is the account given of the struggle on that occasion between the House of Lords and the House of Commons by the best Whig authorities. I thought, when the noble Lord quoted the case, I recollected some omission; and, now that I have it all before me, the House will see that I had no especial cause to be surprised at the noble Lord having touched but lightly on some parts of it. Here is the entire statement of that quarrel, as given by Bishop Burnet in his "History of his own Times." "The complaint of the Commons," he states, was—

> "That when persons suspected of treasonable practices were taken into custody by her Majesty's messengers in order to be examined, the Lords, in violation of the known laws of the land, had wrested them out of their hands, and arrogated the examination solely to themselves."

The historian then continues:—

> "The Commons were in an ill-humour against the Lords, and so they were glad to find occasions to vent it. They thought the Lords ought not to have entered upon this examination; they complained of it as a new and unheard of thing. In an address to the Queen they said it was an invasion of her prerogative.
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> "This was a proceeding without a precedent. The parliamentary method was, when one House was offended with any thing done in another, conferences were demanded, in which matters were freely debated.
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> "Tindal says that it was an amazing thing to see a House of Commons affirm, in so public a manner, and so pointing, that the Lords taking criminals into their own custody, in order to examination, was without warrant or precedent, when there were so many instances fresh in every man's memory. But it was entirely owing to a party pique. The Tories, who were the strongest in the House of Commons, laying hold of all opportunities, both to ingratiate themselves with the Queen, and to oppose the Whigs, who had the majority in the House of Lords."

Just substitute Whigs for Tories, and the picture will be complete as of the present day, But Burnet then goes on thus to describe this proceeding on which the noble Lord so firmly relies:—

> "The Commons continued to protest, but the Lords' committee went on with their examinations, and concluded with voting that there had been dangerous plots between some in Scotland and the Court of France and St. Germain's.
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> "This being concluded, they made a long and vigorous address in answer to that which the Commons had made against them.
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> "They observed how uneasy the Commons had been at the whole progress of the inquiry into this matter, and had taken methods to obstruct it all they could. The Lords took not the examination to themselves so as to exclude others who had the same right, and might have done it as well as they if they had pleased."

In a former Address the Lords had observed—

> "No House of Commons till now has given countenance to the dangerous opinion which does so directly tend to the rendering all Ministers safe from the examination of Parliaments; and we are persuaded no House of Commons hereafter will assent to such a motion, because they are not easily wont to part with a power they have assumed; and it is certain that they have several times taken upon themselves to exercise an authority like that which they have so severely reflected on in this Address."

The noble Lord quoted the Commons' Address, but he omitted to quote the Address of the Lords in answer. Why he did so is obvious; it would not suit his purpose. I do not know who was the High Tory author of the Commons' Address; but I will tell him, on the authority of the historian from whose work he has extracted this matter, who was the author of the Address voted by the Lords:—

> "These addresses," says the historian, "were drawn up by the Lord Somers, and were read over and critically considered by a few Lords, of whom I had the honour to be one.
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> "This, with the other papers that were published by the Lords, made a great impression on the body of the nation, and gave rise to very unfavourable contrasts between the conduct of the Lords and Commons."

Now, this is the Scottish case of 1703, on which the noble Lord relies for his precedent; and this was the result of the unjust attempt on the part of the House of Commons to question the undoubted rights and privileges of the House of Lords by seeking a collision with it on such unwarrantable grounds. But perhaps the noble Lord will still say that, whatever may be the terms of the motion which he condemns, there was a lurking intention evident on the part of the leaders of his political opponents, to take a covert and secret advantage of the Government of which he is a Member by its means, and to involve them in its consequences without their knowledge or concurrence. Sir, I entirely disavow such an intention on my own part, as well as on the part of those with whom I act. I disavow it, Sir, on my own part, and firmly believe, that there was not the slightest desire to take advantage on the part of any one with whom I am politically connected. And this I can safely say, as the leader of a party, that I had not the least inclination nor wish to do so. Indeed, nothing surprised me more than to learn the next morning after the motion had been made, that there was so much importance attached to it by her Majesty's Ministers, and that they had made it a vital question, by which to stand or fall. And I will freely admit, though I am perfectly well aware that I cannot lay claim to any great share of astuteness in making the admission, that hearing this fact of the importance of the motion, and the decision of the Government respecting it, I went at once to the Duke of Wellington's, and to the house of my noble Friend near me (Lord Stanley), to consult with them on the subject, and ascertain their opinions as to the best course to take in reference to it, but found them both absent from town on the momentous occasion, the former having that morning gone to Hampshire, and the latter to Lancashire. Need I say, after this statement of the fact, that there is no probability in the supposition, and no truth in the assumption, that we attached any importance, beyond that which it was intrinsically entitled to, to the motion of the Peers? Neither need I argue, that if we had such intention as that which we are charged with entertaining towards the Government, this could have been the case. I hope I have no occasion to say any more either in disavowal or disproof of the allegation that the leaders of the political party opposed to the noble Lord, had the slightest intention, in the motion of Lord Roden, of taking a covert or secret advantage of the Government to which he belongs. There was a desire to have a full inquiry, and as far as I know, there was no desire that it should be preceded by a vote of a criminatory character. The noble Lord has spoken of the committee as improperly constituted, and certainly produced a great effect, a very great effect on the benches behind, him by descanting on the unfairness of the committee appointed by the House of Lords which he so energetically denounced—Lord Roden, the noble Lord said, had constituted it so partially as to place on it thirteen of his own supporters and only five of his opponents. And this, as I said, produced a great sensation among those hon. Gentlemen behind the Noble Lord. But what are the real facts of the case? Where the noble Lord got his numbers I do not know, nor can I tell by what process he obtained them in the proportion of five to thirteen; but this I do know, that when I read the list of names appointed to that committee, which I now hold in my hand, the House will concur with me in opinion, that, however far the noble Lord may see, he has certainly not the faculty of seeing double. Indeed, he would rather seem to have the opposite faculty—that of diminishing, instead of increasing, for his friends are ten in number, not five. I shall, however, read the names, and the House can then judge for itself. They are—Lord Plunkett, Lord Cloncurry, Lord Glenelg, Lord Hatherton, Lord Carew, and the Marquess of Lansdown, Viscount Duncannon, the Marquess of Normanby, Lord Gosford, and the Duke of Leinster. These ten names, all those of staunch Liberals, be it known, may be disproportionate to the number of names on the opposite side of the question. With that proposition I shall not deal now; but let us not leave this House with an impression that the noble Lord's statement is correct, and that there are only five Liberal Members to thirteen of opposite opinions on the committee. Sir, I have now attempted to establish two propositions, and I hope I have succeeded. The first, that partial approbation should not be given to a Government by the affirmation of an abstract proposition of confidence on the part of the House of Commons, except on very rare occasions; and, secondly, that a collision with the House of Lords on the present question is unjustifiable, and therefore unwise and improper. But if I rested there, at that point, I should, perhaps, be charged by the other side of the House with shrinking from my duty in not detailing the grounds on which I found my own resolutions and oppose those of the noble Lord. In my preliminary resolutions those who approve of the policy of the Government towards Ireland may concur. They may also join with me in deprecating a collision with the House of Lords. I shall conceal nothing when the time comes; and if the noble Lord should then call on me, I shall explain everything to him in connection with those resolutions. But I will perform my duty as relates to the resolution of the Noble Lord. To that I shall say no; and I shall now state my grounds for so doing. The noble Lord's resolution asks me to approve of "those principles which have guided the Executive Government of Ireland of late years," and calls on me to express an opinion on the expediency of persevering in them. I shall say nothing of the remainder of the resolution of the "effectual administration of the law," and of "the general improvement of that part of the United Kingdom." Nay, I shall consider it, if you please, as a direct and positive approval of the Government of Lord Normanby. I do not desire to censure Lord Normanby. It cannot be expected that I should praise him; but censure him I will not. I shall, in what I have to say, simply state the grounds on which I say "No" to the resolution of the noble Lord. I am asked to approve of the general policy of the Government as applied to that part of the United Kingdom called Ireland. Now, how I or the House of Commons can be expected to approve of any particular line of policy pursued by a Government—how we can be called on to affirm any laudatory proposition to that effect, without having any special intelligence on the subject, in absence of all information as to the results of that policy, is more than I am able to comprehend. And if the House of Commons shares in my inability of comprehension, and will permit me to do so, I shall assign my reasons for thinking that it would be very unwise of them to accede to the Noble Lord's proposition. In this process we come in the first instance to the effect of this policy on the country to which it has been applied. And here I take leave to say, in the outset of my investigation into it, that nothing can give me greater pain than to be obliged to condemn the conduct of Lord Normanby. I have known Lord Normanby for a long period—from his very early youth I have known and esteemed him; and though I may not be entitled to call him my friend, I rejoiced, in common with all others who shared his acquaintance, in the development and expansion of those shining abilities and great natural parts with which he is unquestionably endowed. I believe, like Lord Glenelg, that the noble Lord has displayed great official aptitude and has conscientiously discharged his duty; and that though he has not conciliated his political enemies in his public career, he has not alienated a single public or private friend. Sir, I wish the noble Lord had not confined himself to the conduct of Lord Normanby while in Ireland; but had entered on the broad principles of general government. If, however, I am asked on what principles that country should be governed, I can have no hesitation in answering the question. In the first place I say that the Government should be perfectly impartial as regards the administration of justice—for to withhold justice on any grounds is to withhold the right; and it should be freely and equally dispensed to all, of every class, sect and condition. [Mr. *H. Grattan:* You did not act on that principle.] If the hon. Member will have the goodness to permit me to proceed without interruption, he shall have ample opportunity of answering or refuting my position at a future period. Sir, I think, also, that the royal prerogative of mercy should be carefully exercised and cautiously extended. As I said before, I look upon its exercise as a strictly judicial proceeding, and, therefore, I consider that it should be administered as a judicial act alone. All considerations of personal feeling, political interest, or party advantage, should be entirely disregarded in dealing it out; and it should be exercised, as the laws are, with caution and with judgment. I say, then, that as the law has made all men equal in that country—equally qualified all classes, and made them eligible for office under the Government, the Crown should not create any disqualification on the ground of religion or politics, or make a man's religious opinions a bar to his advancement or promotion to place. But I make this exception, in accordance with the view of the noble Lord, that those who participate in the same opinions as you do in religion and in politics should have the preference. And this is what I complain of in the noble Lord and those who support him. He takes this liberty to himself, and very properly, of preferring his friends, and he complains of the right, which he unquestionably has in that respect, being impugned; yet, because I acted on the same principles, precisely the same when I was in office, he charges me with injustice, partiality, and the encouragement of Orangeism. He does not do me the justice he claims for himself. I never taunted the noble Lord with his choice of Roman Catholics to fill situations under the Government, because they were either adverse to me in religious opinions, or because they were his political friends and supporters. What I charged him with was, that by selecting certain persons to fill situations of trust under the Crown, he gave encouragement to societies whose objects were adverse to the law, these persons being members of them. And, therefore, I must be understood to mean, when I say that religious or political opinions do not necessarily disqualify a man for office, that one's own friends should naturally be preferred. I say this also—I say, that I cordially adhere to the resolution of 1836, to which I subscribed, respecting Orange societies in Ireland. I care not whether, in saying so, I provoke opposition from persons who conscientiously believe, that Orange societies differ essentially from all others, or approval from those who hold contrary opinions. I adhere, I say, to the terms and the spirit of the resolution of 1836.—

> "That an humble address be presented to his Majesty, praying that his Majesty be graciously pleased to take such measures as to his Majesty may seem advisable for the effectual discouragement of Orange lodges, and generally of all political societies, including persons of a different religious faith, using secret signs and symbols, and acting by means of associated branches."

I adhere to this resolution, I say, but I go even farther; for I think that the Crown ought, in cases to which the law cannot reach, discourage by the strong expression of its opinion all processions and manifestations of party spirit which could have the effect of wounding the feelings of others. But while I hold this doctrine as regards Orange societies, I also hold that the Government should act impartially with regard to other societies. For while I adhere to the resolution of 1836, I also agree with the Address of 1834—that document which, at the instance of the noble Lord and his colleagues, it was my duty to present to the Crown. These are the words of that Address:—

> "We fully participate with your Majesty in the feelings of deep regret and just indignation with which your Majesty has seen the continuance of attempts to excite the people of this country to demand a repeal of the Legislative Union. We thank your Majesty for the renewed assurance of your Majesty's final and unalterable resolution, under the blessing of Divine Providence, to maintain this bond of our national strength and safety inviolate, by all the means in your Majesty's power, and we assure your Majesty, that in the support of this determination your Majesty may rely with confidence on our zealous and effectual co-operation.
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> "We fully concur in the opinion of your Majesty, that the practices which have been used to produce disaffection to the State, and mutual distrust and animosity between the people of the two countries, is chiefly to be attributed to the spirit of insubordination, which, though, for the present, in a great degree, controlled by the power of the law, has been but too perceptible in many instances.
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> "We are convinced, that to none more than the deluded instruments of the agitation thus perniciously exerted, is the continuance of such a spirit productive of the most ruinous consequences; and your Majesty may rely upon our united and vigorous exertions, in conjunction with all the loyal and well-affected in aid of the Government, to put an end to a system of excitement and violence, which, while it continues, is destructive of the peace of society, and if successful, must prove fatal to the power and safety of the United Kingdom."

Sir, I take both propositions, and I cannot hesitate to express it as my firm and unalterable conviction that the Government which discourages Orange associations is under an equal obligation to discourage other societies and associations which have for their object a "pernicious agitation," which indulge in frequent references to physical force, which produce "excitement and violence," and which, "if successful, must prove fatal to the power and safety of the United Kingdom." Even though they have no secret signs or symbols, still it is the duty of the Government to discourage them; such being their proceeding, such their object, and such their probable result. I speak not of coercion laws—I allude not to punishments; I speak alone of the interposition of the authority of Government by a strong manifestation of opinion on the subject; and I may add, that if it was right of the noble Lord's Administration to dismiss my hon. and gallant Friend behind me (Colonel Verner) from the commission of the peace, for proposing a certain toast at a convivial party, it would have also been right if the Government which did it had omitted to make some appointments which they have since made, and if they had broken others which are in being. Maintaining, then, these opinions, I shall not conceal that I think all the acts of the Government should be always consistent with the maintenance of the Established Church in Ireland. When the noble Lord declared that, although the Presbyterian Church in Scotland might have some connexion with the State, yet there was something in the peculiar tenets and observances of the Roman Catholic Church which precluded a similar connexion, the noble Lord has arrived at the same conclusion as myself—namely, that the maintenance of the Established Church in Ireland is in accordance with the qualifications annexed to the Act of Union and to the Catholic Relief Bill. The noble Lord does not, I presume, withhold his assent from the proposition, that an equality of civil and religious liberty in Ireland ought to be preserved, consistently with the maintenance of the Established Church in its rights and privileges. I have stated my opinions frankly and freely. They may offend persons of extreme politics in various parties. I care not. If the hope of attaining to political power was based upon the contrary, and if a return to it was only on the condition of opposition to the Established Church of Ireland, fully and freely would I abandon that hope, and altogether discard the desire it might have given rise to. I must now tell the noble Lord the reason of my opposition to Lord Normanby's Government. As I said before, I propose no censure on it; but I try it by no test which I am not satisfied to have applied to myself. I am as ready to submit the acts of my own government to inquiry as I am to investigate the acts of the Government of which that noble Lord was the executive officer. But I cannot give the policy of the noble Lord's Administration my approval. That I tell you candidly. I tell you, however, with the same candour, that I am no less disposed to praise than blame where it is due; and that where approbation is merited it will not be withheld by me. I think, for instance, that he is entitled to praise in respect of the disposal of ecclesiastical patronage in Ireland; that is, as far as I can judge from the reports which have reached me up to this time. But I think, that he is entitled to condemnation for other things. This is the ground on which I withhold my consent to your motion. I cannot say, that I believe you have acted with impartiality in Ireland. I cannot conscientiously say, that I consider you have taken all the steps which you ought to have taken, and should have taken to discourage associations adverse to the peace of the country, because promoven of agitation and discord amongst its inhabitants. I am sorry to be obliged to revert to such subjects; but the noble Lord is alone to blame for it. He challenged me to do it, and I may not refuse him. I cannot say, that I think the conduct of Lord Normanby, with respect to the exercise of the royal prerogative, entitled to my confidence. I do not accuse him of exercising it corruptly, with unworthy motives, or for improper purposes; but I do say, that in my opinion, the manner in which he remitted several judicial sentences in Ireland, in 1836, was anything except calculated to promote "the effectual administration of the law," or bring about "the general improvement of that part of the United Kingdom." And, if I think, as I have stated I do, that the extension of the prerogative of mercy, should be a judicial act, and not a matter of public display for public applause, I cannot think, that that noble Lord acted rightly in extending it in the peculiar way he did in various places in that country. The number of cases to which it was extended is not at all of the importance which the noble Lord (J. Russell) would fain make it; it is the nature of these cases, and the manner in which mercy is extended to them, which gives importance to this part of the subject. One case of mercy ill applied, or improperly exercised, might paralyze the whole course of justice more than a thousand not liable to these objections. The noble Lord says, that there were only seventy cases, and that they were spread over a period of 145 months' imprisonment, as if that commutation or confounding of time could in any way affect the question. It reminds me of the argument used by two travellers, who having nine miles to walk, calculated that it was only four miles and a half each. Such in effect was the argument of the noble Lord, as far as that subject was concerned. Sir, I cannot conceive that the public service required such a demonstration as was made by the Lord-lieutenant of Ireland when travelling through it shortly before his vacation of that office. The impression was created in the public mind that the remission of the term of imprisonment in numerous instances was a sort of ornament to a Lord-lieutenant's progress. Such a display would have been misplaced in any country, however light the offences, or however long the imprisonment of the criminals might have been, and was most indefensible in such a country as Ireland. Whatever were the causes of offence, or however just was the mercy extended to the prisoners, if considered under other circumstances, I ask was it proper that the prerogative of mercy should be extended as it was in the county of Sligo? Taking an account of the progress from a paper favourable to the Government, I find it stated, that the Lord-lieutenant was followed into Sligo by a retinue of 40,000 people—that in fact the whole road from Collooney to Sligo, was one living mass. The passage in the newspaper was to this effect:—

> "We have often said that in no county of Ireland was there more striking patriotism than in Sligo; and our observations have been confirmed by Lord Mulgrave's reception. Never before was there such a display. Lord Mulgrave was followed into the town by at least 40,000 persons. We never before saw such a concourse. On his arrival at the court-house the doors were found to be closed, although they were the doors of his own court house, or of the Queen's, whose representative he is. He had to enter into his own court-house by the back way. The populace, however, soon burst open the gates, and possessed themselves of the court, where, to their credit, they behaved themselves as if the judges had been there. Lord Mulgrave then went to the gaol, when he liberated some persons who were confined for minor offences.

Is this, I ask, the mode by which the law was likely to be held in respect in Ireland? Is this the mode of administering the law there which is to be taken in proof of the goodness of the Executive Government? I know of nothing among such an excitable people more calculated to injure or weaken a Government than this; and on this ground, therefore, do I arraign the Executive Government of that country, or, at least, dissent from the approbation which the noble Lord seeks as a sanction for its proceedings. But this is not the only ground. I differ from the noble Lord, in relation to this part of my argument, on another ground; although, if I may rely on the assurance of the noble Lord, we agree in the principle involved. Sir, the noble Lord has declared his enmity against Orange associations, and against other associations also, whose existence he declaims against as subversive of order, and on all accounts most desirable to have suppressed. But does this declaration agree with the conduct of Government respecting those who are known to have taken the most prominent part in the propagation and maintenance of such associations? Here or in Ireland can the character of the Government be safely staked by the noble Lord on the grounds of its consistency with respect to those associations? I strongly dissent from such an assumption. Sir, there now sits by the side of the noble Lord an hon. Gentleman whose ability and general conduct I will not touch in the slightest degree. His talents are of sufficient eminence to entitle him to advancement, if their estimation were not weakened by his political tendencies. But I do quarrel with the Government of Ireland for seeking out the decided supporter of an obnoxious association to fill an office of much delicacy and importance. The noble Lord has stated, and I have no doubt truly stated, the confidence he had in the hon. and learned Gentleman to whom I allude (Mr. Pigot). And, referring to the connection of that hon. Gentleman with the General Association, the noble Lord has told us, that the association was dissolved before the hon. Gentleman was made Solicitor-general. But what proof is this that the Government is guided by the principles that its Members profess? It was notorious, that the hon. Gentleman had been a member of that association, and an active and zealous one too. And, yet an appointment was given to the hon. Gentleman, of peculiar trust and delicacy; one indeed which implied and required the consultation of the holder, and his advice and assistance, on the suppression of those very associations which the hon. Gentleman had supported, and which the noble Lord condemns. Sir, the proof of the connection of the hon. Gentleman with the association, and the corroboration if any were wanting, of the extreme want of caution and consistency of the Government in promoting him to such an office under the peculiar circumstances of the case, is contained in a report of the proceedings of the association, at a meeting which was occupied chiefly in discussing what had recently taken place in the Court of Exchequer in Ireland. A list was produced to the meeting of those counsel on the Liberal side of politics who had signed tithe declarations on the plea side of the Court of Exchequer; and with reference to the name that stood first on the list, Mr. Redmond said "it was a fact, that at the commencement of the association, that gifted individual had given all the aid of his sensible and powerful mind in its formation and in advancing it to that proud and permanent station which it held at present. He had proved himself one of its most useful, the most active, and most zealous supporters. That gentleman was Mr. Pigot. Sir, I will now test the sincerity of the assent, as the noble Lord assents to my proposition, that the Protestant Church should be retained as the Established Church of Ireland. I will test by the acts of Government, the professed desire of its members that the Church of Ireland should be sustained with all her rights and privileges, and the test I apply is a declaration, reported in a paper favourable to the Government, as having been made by a noble Lord who is a member of her Majesty's household—a declaration tantamount to a desire for the entire destruction of the Church of Ireland. The noble Lord to whom I allude (the Marquess of Headfort) a Lord-lieutenant of an Irish county, and one of her Majesty's household, has publicly declared his opinion that no permanent improvement can be expected to take place in that country as long as the Irish Church Establishment exists. At a public meeting in Ireland, he moved a resolution to this effect:—" That it is impossible to expect peace in this country while the present Church Establishment is suffered to exist." The terms of the resolution are not given; but this is stated to be the gist and substance of it. The declaration made by the noble Lord was, that he thought it just that the Protestant should pay tithes, but that the Roman Catholic should cease to pay it. Now, seeing the connection of that nobleman with the Government, and that no expression of dissatisfaction followed the declaration of his opinion, I say I cannot confide in the sincerity of the noble Lord's declaration in favour of the Established Church, and I have strong grounds for dissenting from the approbation of the conduct of the Government which this House is called upon to confirm. Sir, I have now assigned the grounds for my not concurring in the resolution proposed by the noble Lord. The noble Lord has said that the course of my proceeding would rather require that I should move the previous question—that it is a reason for doing so. It may be so. As I have already said, I move no vote of censure. It would be inconsistent with my course to move a vote of censure. It is more consistent with my views to ask the House to pause, and to suspend their judgment untill they have obtained further information. But if you say that I ought to affirm an express assent or dissent, then I tell you at once that for the reasons I have assigned, and with the explanations I have given of my opinion as to the principles on which Ireland should be governed, I will not hesitate to say—No! to your resolution. I have now done; and I thank the House for the attentive hearing it has accorded me. I have attempted to show that a partial declaration of opinion on the part of the House with respect to the policy of the Government is not to be justified, and that a collision with the House of Lords cannot be in justice maintained: at the same time I have not shrunk from declaring to you why, upon Irish grounds, I cannot assent to express an approval of your Irish policy. Should you—the House—think it fit to pronounce a judgment without inquiring, you will do so. If you agree with Mr. Burke that the peculiar functions of the House of Commons are to exercise a strict control over all the acts of the executive and judicial magistracy, you will pause before you pronounce an opinion. If, on looking at the increase of crime in Ireland, and above all at those most discreditable documents—the reports of the inspectors of prisons and of the clerks of the peace—you think it fitting to declare that the administration of the law has been effectually provided in Ireland, or that the due execution of it has been advanced; if with these documents, relating to the same offences, and to the same period of time, but showing an extraordinary difference in amount of crime the returns of the inspectors for the year 1837, declaring that 14,804 persons were committed, while the returns of the clerks of the peace for the same period and same offences state that there were 27,300 persons committed, being a difference of 12,000—if with these disagreeing statements, and upon these discrepancies before them, the House of Commons will undertake to pronounce an opinion with respect to the administration of the law, they may unquestionably do so: but I ask how, with any regard to consistency in your proceedings, you can venture to pronounce an opinion upon the subject? The noble Lord may talk of the character and dignity of the House of Commons; but it would be neither consistent with its character nor with its dignity to make any declaration as to the state of crime in Ireland upon such *data* as these. With respect to a collision with the House of Lords, I ask whether it is for the public interest that any such collision should take place? Looking at the state of this country, and looking at the condition of affairs abroad, was there ever a period in which it was of more importance to maintain harmony between the different branches of the constitution? Do you think, looking at the proceedings in the north of England, you are promoting the cause of tranquillity and the public interest by holding up the House of Commons and the House of Lords as being at variance? Above all, if these considerations do not move you, I implore you earnestly, but respectfully, to consider what is due to your honour and to your own character. I implore you not to enter into a premature resolution without the necessary information to guide you; nor to make abstract declarations of opinion upon partial branches of policy, unless you feel confident that there is some absolute and overruling necessity; above all, I ask you not to enter into a collision with the House of Lords, unless you feel justified that there is good cause for collision, and unless you have well considered the consequences of such a proceeding. That great poet, to whom I have already alluded, and whose writings are full of more lessons of practical wisdom than the writings of any uninspired writer, has given advice with respect to entering into quarrels, and, although given to an individual, may be equally profited by a public and national body.

> "Beware
> Of entrance to quarrels; but being in,
> Bear it that the opposer may beware of thee."

You are about to commit a double violation of that precept. You are about to enter into a quarrel hastily and unwarily; and you have proved that you are about to conduct yourselves in it in a manner that will insure neither terror nor respect. While you are on the threshold of that quarrel, and can still recede I intreat you to pause. I entreat you, as you value the character of the House of Commons, believing in my conscience that you have no superfluous authority, and desirous as I am that you may maintain every privilege that belongs to you, and that your authority over the people may be preserved intact, with these feelings I conjure you to reserve the manifestation of your displeasure for some occasion, when cheered by the sympathies of the people, and confident in the righteousness of your cause, you may be enabled to assume a port, and to speak in accents better suited than the present resolution is to the offended dignity of the House of Commons. The right hon. Baronet concluded by moving the following amendment:—

"That, on the 13th day of March last, a motion was made in this House for the production of various documents connected with the state of Ireland in respect to crime and outrage, including communications made to the Irish government relating to offences connected with ribandism, and all memorials, resolutions, and addresses, forwarded to the Irish government by magistrates, or other official persons, in respect of crimes and outrages committed in Ireland, and the answers thereto.

"That the period included within the returns so called for extends from the commencement of the year 1835 to the present time; and that the motion made for the production of them was assented to by this House, no opposition to it having been offered on the part of her Majesty's Government.

"That on the 21st day of March last the House of Lords appointed a select committee 'to inquire into the state of Ireland since the year 1835, in respect to crime and outrage, which have rendered life and property insecure in that part of the empire.

"That, in consequence of the appointment of such committee by the House of Lords, it has been proposed, that this House should resolve 'That it is the opinion of this House that it is expedient to persevere in those principles which have guided the executive government of Ireland of late years, and which have tended to the effectual administration of the law, and the general improvement of that part of the United Kingdom.'

"Resolved, That it appears to this House that the appointment of a committee of inquiry by the House of Lords, under the circumstances, and for the purpose above mentioned, does not justify her Majesty's Ministers in calling upon this House without previous inquiry, or even the production of the information which this House has required, to make a declaration of opinion with respect to one branch of the public policy of the executive government, still less a declaration of opinion which is neither explicit as to the principles which it professes to approve, nor definite as to the period to which it refers; and that it is not fitting that this House should adopt a proceeding which has the appearance of calling in question the undoubted right of the House of Lords to inquire into the state of Ireland in respect to crime and outrage, more especially when the exercise of that right by the House of Lords does not interfere with any previous proceeding or resolution of the House of Commons, nor with the progress of any legislative measure assented to by the House of Commons, or at present under its consideration."

The *Chancellor of the Exchequer* rose to reply to some of the observations of the right hon. Baronet, but before he did so he begged to say, in reference to the motion made in another place, that if that motion had been brought forward in the manner suggested by the right hon. Baronet, and accompanied with the limitation he had prescribed, the same justification would not have existed for the present motion as now, taking the circumstances as they stood. The right hon. Baronet had specifically excluded, or if not, had so lightly touched upon one point which he considered as of the essence of the whole question, and had dwelt so little upon another part of the case which he also thought of essential importance, that when he brought, as he purposed to do, those two matters under the consideration of the House, he thought he should entirely defeat the impression which the right hon. Gentleman's speech was calculated to create. If they traced the logic of the right hon. Gentleman, it would appear most strange. Because the Government had acquiesced in a proposition wholly unobjectionable made in the House of Commons, they were not to oppose a motion in the House of Lords which raised a just cause of offence. The two propositions were quite distinct. The proposition made by the right hon. Gentleman opposite (Mr. Shaw) was a motion for returns which were part of an ordinary series, which had been customarily afforded in part, which were commonly called for, and which he had never known refused. It was true that the returns were confined to a specified time: he believed, however, that they were a continuation of similar returns—that they were, in fact, amplifications of annual returns laid year by year upon the table of the House, exhibiting the state of crime in Ireland. The right hon. Gentleman called for papers; he did not criminate the Government in any way; the papers were only amplified continuations of those already before the House, and the Government were bound to furnish them. But what was the principle of the proceeding in the House of Lords? And when the right hon. Baronet called upon that House not to express any opinion without full means of forming it and of justifying it, he must say, that if ever there was in this world a case in which this precaution should have been governed by a deliberative assembly, it ought to have been exhibited in this very case by the House of Lords itself. The right hon. Baronet said, that the House of Commons ought not to decide till after they knew the result of the inquiry now pending; but what had the House of Lords done? Why, they had virtually decided that for the last four years, from the year 1835, there had existed in Ireland a state of things which rendered life and property insecure, and they had so decided without any inquiry—without any examination; they said so at the time that the committee was moved, they affirmed it by the very resolution appointing the committee, that a state of things existed in that country which rendered life and property insecure; especially confining this assertion to the period of the Government of Lord Mulgrave; and they thus fixed a stigma upon Lord Mulgrave's Administration as the cause of that state of danger to life and property. If this were a fair interpretation of the resolution of the House of Lords, he knew not how with such a construction the Government could avoid taking steps to answer such an attack. The right hon. Baronet, indeed, in the weakness of his case, suggested an analogy between the motion which had been carried in the House of Lords, and the motions for committees of inquiry in the year 1824, and in the year 1832. The right hon. Gentleman seemed to think that the Government swayed by some party or personal motive were disposed to quarrel with the House of Lords. The right hon. Baronet said, "We meant no offence by our motion; what has happened now has occurred on former occasions; and we wish your Government, as we should wish any other Government, to submit to it without taking any offence." But, let them take in the first instance the committee of 1824, and see what was the case then. The House would recollect, that in the present instance the committee was moved for to inquire into the state of crime and the security of life and property within a limited period, during the period only of the existence of the present Government, and this on the averment that the state of crime during this time was such as to render life and property insecure, that it was moved for by a Member of the Opposition, and that it was resisted by the Government. But in 1824, the committee to inquire into the state of Ireland was not limited in point of time, it was not carried against the Government; it was moved for by a Member of the Administration, and a noble Lord connected with the Government was the Chairman; and that motion which originated with the Government and had its approbation, the right hon. Baronet suggested as possessing an analogy to the present case. Why, there was as much analogy between the right hon. Gentleman himself and the Mover of the proposition in the other House this year, as there was between the present case and the case of the motion in the year 1824; and no two statesmen and no two motions could be more different. As to the other case the committee that was appointed in 1832—he remembered it well, and so did his noble Friend opposite — the proposition was brought forward with the perfect assent of the Government, the Members of the committee were selected by the Government, and his noble Friend opposite (Lord Stanley), who was then the Irish secretary, and himself, sat upon it. Was there any analogy between the two propositions for the two committees, which had been appointed with the assent of the administration, in which there had been no attack upon the Government of which the Members of the Government undertook the responsibility, and the present committee of the other House of Parliament which had been moved for by my Lord Roden. He knew that even as to proceedings in that House it would be irregular, and it was still more irregular with regard to the other House, to refer to speeches which had been made, or to draw any inference from the words or the characters of the supporters of any motion; but if they recollected the proceedings which had taken place during the last ten years the character of the measure might be in some measure judged from the character of the individual Member of the House, who introduced it. Yet it was said, that the motion being introduced by an individual so active in Irish party politics as Lord Roden was, could make no difference. Why, it made all the difference. Then it was said, "Why did you not amend the motion, if you objected to it?" and no doubt the right hon. Gentleman, when he asked this question, was perfectly sincere. In this respect his feelings, his interest, and his love of political expediency, all went the same way; and it was similar to his statement that there was no intention of passing on the Government a vote of censure. It had been stated elsewhere why this was in fact a vote of censure; it had been so stated by the highest authority. If the Lords only wished for a calm and dispassionate inquiry into the state of crime—if they had not courted, as the right hon. Gentleman represented, an attack on the Government, what would have been so easy as to have altered the motion so as to have produced this effect, which some might have had in view, but which others certainly had not. But then, it was said, "why did you not move an amendment to the motion?" Why, the right hon. Gentleman knew full well that the wording of the resolution was in the power of the majority in the other House. What, he said then was, "Censure the Government if you think that it is fairly open to censure, but do not, after you have passed a vote of censure, protest that there is nothing of censure meant by the proposition, declaring that you never meant to offend us, and now accusing the Government with seeking a quarrel between this House and the House of Lords." The interests of the country would suffer by the inquiry in the House of Lords; and the interests of the country were, in his opinion, more important than the existence of any government, or than any censure which the administration might receive. What was the effect of the vote of the House of Lords? It was by this vote declared on the authority of the great political party, with which the right hon. Baronet was associated, that there had existed in Ireland for the last four years a state of things which rendered life and property insecure, and it was then moved that an inquiry should be commenced by the very persons who thus stigmatized the Government. When did the noble Lord take the opportunity of making this motion? If it were not meant for a vote of censure, why was this time chosen for the motion? Why was it not made when the Marquess of Normanby was governor of Ireland — when they had a motive for removing the noble Lord or the Government of which he was the organ? There never was such a step taken during that period, nor till the administration of the Marquess of Normanby had ceased, and when the motion could produce no good consequence. Here was Lord Normanby up to February last the governor of Ireland—there was not a fact relating to Lord Normanby's administration which was not known to the House of Lords and to that House; and yet it was not until Lord Normanby had resigned the office—it was not until he was replaced by Lord Ebrington—that any motion containing a practical charge of censure was made either in that House or in the other House of Parliament. It was true that hon. Gentleman opposite had from time to time raised debates upon this subject, and that some gallant Officer opposite had afforded to the House an annual entertainment with respect to the Irish policy of the Government, but they had never brought forward a practical vote condemning the policy of the Marquess of Normanby. Reference was also made by the right hon. Baronet to the motion of censure upon Lord Glenelg, and to the extension of the responsibility for the acts of Lord Glenelg to the whole of the administration, and it was asked why this doctrine was not applicable now, and why the present vote was to be considered as having reference to Lord Normanby alone and not to the whole of her Majesty's Government? He admitted that the analogy was perfect. But the question raised in the House of Lords was the Irish policy alone of her Majesty's Government; that, also, was the issue for the House of Commons to decide. The right hon. Baronet objected also to the resolution, because it referred solely to their executive policy. That restriction was not introduced for the purpose of excluding the full responsibility of the Government, but to contrast their legislative with their executive policy; because, with respect to their executive policy, they had full power—they had acted as they thought right—they were responsible for it, and by that policy they were ready to abide. But, with respect to their legislative policy, they were not responsible, except for the measures which they might propose for adoption; they were not responsible for any opposition which those measures might meet with in their progress through Parliament. They would use their utmost endeavours to propose such measures as they deemed best for Ireland, as well as for the rest of the empire; but if, in consequence of the present state of parties, and of differences of opinion between the two Houses, they could not carry with a firm and bold hand such legislative measures as they wished, they were not to be blamed, they were not responsible for any curtailment which might be made, and therefore they did not call upon the House to approve of any such incomplete measures. The right hon. Gentleman next said, "I object to your resolution because of its uncertainty, I want to know by the term of 'late years' whose Government you include? Do you include the Government of Lord Wellesley—do you include that of Lord Grey—do you refer to my own administration?" The Government, however, were there to defend themselves, they were called upon to argue their own case, and they were bound to argue it upon the issue presented by the House of Lords. The House of Lords charged the Government, according to the construction which he put upon the vote, with causing such an amount of crime in Ireland as had rendered life and property insecure in that country since 1835. In thus submitting their motion they had profited by that dexterity of fence which the right hon. Gentleman displayed in his amendment, by which he endeavoured to make friends among every possible party in that House. Suppose the Government had said, that they would move an approval since 1835. Then the right hon. Gentleman would have said, "What base ingratitude!" He would have exclaimed, "What base desertion of former associates and former colleagues! Do you undervalue the useful administration of my Lord Grey? Do you form an unfavourable estimate of the great exertions of my Lord Wellesley? Do you cast overboard all except those who are connected with you for the moment?" The Government, however, were, upon the present occasion, called upon only to argue their own case. The House of Lords had not raised the case of Earl Grey, of Lord Wellesley, or of the noble Lord, the Member for North Lancashire. They need not argue what was not attacked by the resolution of the House of Lords. If that resolution had involved the Government preceding that to which he now belonged, he should have been ready to have stated to the House their merits, although undoubtedly, there were points of difference between them and the present administration. But the right hon. Gentleman told them that the vote of the House of Lords could have meant no censure, and that it could have none of the consequences which had been described; and yet the right hon. Baronet said, that by the passing of the present resolution there would be an entire collision between the two Houses. He could not reconcile those two assertions. If the resolution of the House of Lords meant to cast no censure upon the acts of the Government for the last four years, then the resolution of the House of Commons, freeing the Government from all censure, could produce no collision with the House of Lords. The House had been threatened by the right hon. Gentleman with all manner of difficulties, if, in addition to the dangers already existing, they created a collision with the House of Lords, by agreeing to a resolution which exempted the Government from all censure, and yet, at the same time, the right hon. Gentleman maintained that the House of Lords had passed no censure at all. Then the right hon. Baronet had laid great stress upon a phrase which had fallen from his noble Friend near him, that there was, as stated elsewhere, a *primâ facie* case of censure, though of direct censure there might be none; but in using this phrase the noble Lord was only quoting an opinion of a noble and learned Lord in another place. The right hon. Gentleman asserted, that there was no evidence on which to call upon the House to pronounce a decision. He would, however, take the liberty of saying, that there was, within his own knowledge, abundant evidence satisfactorily to justify the vote. He was aware, that after the extent to which papers had been referred to, he had but little chance of attracting for them the attention of the House, and he would, therefore, refer in the slightest manner to the few points to which he wished to allude. In the first place, he would clear a difficulty which arose from a confusion between the returns of the clerks of the Crown and of the Peace, and the returns of the inspectors of prisons. With regard to the returns of the clerks of the Crown and of the Peace, by the former state of the law in Ireland, they were not paid solely by salary but by fees. They had originally collected their fees by the statute of 49 George 3rd, which contained a schedule of fees for each person indicted for murder, for each person indicted for felony, and for each person indicted for any other offence; and thus clerks of the Crown and of the Peace were in the habit of multiplying indictments in every possible way and shape, by which practice their fees were augmented; and on the face of their returns the number of crimes were augmented in the same proportion. He had seen, in his own county, the same man, for one and the same offence, indicted for murder, for conspiracy to commit murder, for assisting in the attack of a house, for a burglary at common law, for Whiteboyism, for conspiracy to carry arms, for appearing armed, and for wearing a disguise, under the Whiteboy Act; in short, that the same man, for one offence, was indicted five or six times over. He remembered a case which he might be justified in stating, and which would illustrate this principle. He had attended at the assizes as a grand juror, and an indictment was preferred against a man for murder, who was placed in the dock charged with that offence, and a witness was called to prove the case for the prosecution. On his examination, however, it was discovered that he was no other than the murdered man himself. There was the man indicted for murder, and arraigned on the indictment, and the first witness called was the man whom he was accused of having murdered. On finding that this indictment could not be sustained in consequence of this somewhat remarkable mistake, one of the jury applied to know, whether it was a case in which they could find a bill for manslaughter, in fact it turned out, that a severe assault only, had been committed, and yet this was a case, in which a return might have been made, both of the charge of murder and manslaughter, although the man supposed to be murdered was actually living. He should say, that the returns made by the gaol inspectors, afforded the best means of judging of the real state of crime, and the House, in considering these returns in reference to what was called the injudicious administration of the prerogative of mercy by the Marquess of Normanby, would bear in mind, who and what the gaol inspectors in Ireland were. Generally speaking, the Protestant clergyman of the parish was made the inspector of the gaol, situated within the district, and he remembered an occasion, on which, a defence of the Irish clergy was most ably made by a right reverend Friend of his, the late Bishop of Limerick, when one of the points particularly referred to by him was, the great care and attention of the Protestant clergy in performing the duties of these situations. As these inspectors had an opportunity of actually seeing the prisoners committed to their charge, the errors which were committed in the more general returns could not arise, and he therefore was justified in saying, that of all returns made to that House, those made by the inspectors of prisons were most to be relied upon. Upon referring to these returns, then, he found that, comparing the offences affecting life in the years 1832 and 1838, there had been a very considerable diminution in the number of commitments which had taken place, as well as a decrease in convictions in an almost equal proportion. In 1832, the number of committals was 772, while in 1838 it was 575; and while in the former year the convictions which took place were 298in number, in the latter year their number had fallen to 203. This was the only document to which he had deemed it necessary to refer, to shew that the law had been properly administered during the last four years, which was the particular period in which, if they were to credit the resolution come to by the House of Lords, property and life had been rendered insecure. But there was one piece of evidence more to which he would allude, and it was a species of evidence which every English Member would consider entitled to consideration. He meant the state of the military force in Ireland at the present time, as compared with what it was at former periods, for if there were any evidence which a government could produce with effect upon an occasion like the present, it was the state in which, of their own accord, they left their own military defences. In 1807, the force in Ireland exceeded 40,000 men; in 1813 it exceeded 24,000 men; in 1836 it exceeded 17,000 men; and, at the present time, the total amount of effective military for the defence of Ireland was no more than 15,357 men. So that there was a reduction of military force, from upwards of 40,000 men in 1807, to 15,000 men, which was now the number employed. He proved therefore, first, by the return to which he had alluded, an actual diminution of crime and of convictions; and, secondly, that the general state of the country was such, as that it admitted of a considerable reduction of the military force. In reference, indeed, to the general state of the country, he could appeal to hon. Gentlemen opposite, as to the contrast which it now presented to what it was in former times. So far from saying that its improvement was merely satisfactory, he would take upon himself to say, that in respect to many of its most important districts, an alteration had been produced, which he could only describe as affording the most complete contrast which any country in itself could exhibit. If he might be permitted to speak with regard to what he himself knew, he begged to tender himself as a witness before the House. He admitted that his official functions undoubtedly did not permit him to reside so much in Ireland, as from duty, and inclination he could desire; but he had visited that country both now and in former times, and he had resided there, and he might appeal to others for the truth of his assertions, who had been then in power. At one period to which he alluded, he was a magistrate, and was, of course, called upon to perform duties in that character; but he contrasted two periods of his life which he had passed in that country. He remembered the county of Limerick at a period at which he was obliged, either at the head of the police force, or of the military force, to patrol the roads of that county five nights out of every seven, and to attend twice or three times in every week at the meetings of the special sessions, for the trial of offenders. He remembered also a period, when the king's judges could not proceed in the administration of the law without being protected by strong bodies of military, and when it was necessary to send troops to occupy the passes of the country for the protection of the judges and of the barristers, before they could venture to quit the garrison towns to proceed on the circuit. But in the same county during the last two years—during his residence there—he had seen but one single offender in custody, and that was for being drunk on Sunday; and as for security of life and property, he defied any part of England to show a better example as regarded the maintenance of peace and tranquillity, than that which was presented in the neighbourhood in which he resided. This then, being the result of his own observations, could he, being a Memberof Parliament, or an Irishman, acquiesce in a vote of the House of Lords, which declared that life and property had been insecure in Ireland. Could he admit that insecurity had been produced by the course pursued by the existing Government? It would be a dereliction of his duty to Ireland if he had acquiesced in such a proceeding. He would say one word now with respect to the exercise of the prerogative of mercy. The right hon. Baronet had undoubtedly talked upon this subject very lightly, and had done so he was sure, not only from the opinion which the right hon. Baronet entertained now, but from that which he had before expressed, that even although he disapproved of the use of the prerogative of mercy to the extent to which it was described to have been employed, it was a better course to pass over the question than to enter upon a discussion of so serious and important a subject as the exercise of that prerogative. The effect of what the right hon. Baronet had said, however, was, that he objected to the remission of the sentences of convicts, unless a consultation took place with the judge who tried their respective cases, as to the propriety of any favour or mercy being shown to them. That was an argument which had before been relied upon when the subject was under the consideration of Parliament, and he might appeal for an answer to it, to the opinion of one of the highest and most eminent judges of this country, whose authority he thought was even higher than that of the right hon. Baronet. The noble Lord to whom he referred had been Chief Justice of England, and the opinion which he was about to cite had been pronounced by him in the House of Lords in the course of a debate, which took place there upon the subject of the administration of the criminal law. He begged to remind the House, that the Marquess of Normanby was charged with having released prisoners without consulting the judges, and that charge was repeated by the right hon. Baronet, while his object was to show, that the noble Marquess had an authority for the course which he pursued of no inconsiderable importance. In a debate which took place as he had stated, the noble Lord to whom he alluded said, that he had tried prisoners who had been capitally convicted, and he had carefully examined and revised all the circumstances of their cases, without being able to find a single reason which would justify his recommending mercy to be extended to them, and he had reported to the Government, that he did not think himself warranted in saying, that they were entitled to favourable consideration, and yet mercy had been extended to them more than once, and he verily believed on fair and just principles. This statement was made by Lord Loughborough, in reference to cases which had been tried by himself as Chief Justice, and he thought, that his declaration was sufficiently distinct and explicit without requiring him to go any further into the arguments of the noble judge; he would content himself with pointing out to the House, that this was a distinct authority in favour of the course pursued by the noble Marquess lately at the head of the administration of Ireland. The right hon. Baronet had told the House the principle on which he should be disposed to act, and on general principles there was very little in which they should differ, but he thought it would be somewhat more difficult to work out some of the theories advanced by the right hon. Baronet than he seemed to imagine. The right hon. Baronet had said, that he disliked Orange Lodges and associations, but he could not but remark, that his opinion had somewhat altered, or that he had considered in former times the duties of his official station to be different from what he conceived his present duties to be; for otherwise he would not have allowed himself to be linked or bound up with persons who were notoriously connected with associations of the character which he professed to detest. The right hon. Baronet might find it very easy to say "I forswear all Orange associations, and all favour and patronage to persons who have been members of such associations;" but the right hon. Baronet would find it rather difficult to carry the principle which he professed to any very great extent. He would not detain the House by alluding to more than one other subject. The right hon. Baronet had complained of the Government in the course which they took with respect to a speech recently made by the Marquess of Headfort, the Lord-lieutenant of the county of Cavan, and suggested, that that nobleman ought to have been removed in consequence of that speech from the situation which he held in her Majesty's household. He had no hesitation in saying, that the speech as it appeared to him, taking it as it had been published in the public prints, was one of which he should disapprove, and from which he should dissent as entirely as the right hon. Baronet, but was there not another speech made about the same time by another Lord-lieutenant, which was equally objectionable. [Sir *R. Peel*: There is a distinction to be drawn. The Marquess of Headfort held a public situation.] True; but supposing the Government to have removed him from the Royal household, he would still have held his position at the head of the magistracy of the county. What would have been said if the Government had declared the noble Marquess unworthy of their confidence by removing him from the household, and yet had left him to occupy the position of trust and importance which he held in Ireland as Lord-lieutenant of a county. Would the reason urged against him have been sufficient to justify his removal from his post of Lord-lieutenant? It would not, even if he were to be removed from the head of her Majesty's household. No Government would without utter disgrace to itself assent to such a course. If they had removed him, however, Lord Oxmantown must also have been dismissed from his lieutenancy, and hon. Gentlemen well knew how great was the public demand, and the excitement as to his removal, and if there had been what was termed a "popularity administration," no step could have been taken better calculated to render it still more popular. The ministers were aware, however, that they had duties to fulfil, and they were of opinion that they could not perform them properly, if they did not respect the independency of Lords-lieutenant. They had as a party, when Lord Fitzwilliam had been removed from the Lord-lieutenancy of Yorkshire county, objected to it as an act which was disgraceful to the existing government, and Parliament had decided that persons holding situations of that description should not be subservient to the political wishes of the Government. They would have forgotten all the principles of propriety then on which they acted, if, because they disapproved of the opinions attributed to the Marquess of Headfort, they had removed him from his office, for the principle which was good in the case of the late Lord Fitzwilliam and Lord Oxmantown was equally good in that of the noble Marquess. It ought to be remembered that the discussion on the state of Ireland in the House of Lords must be taken in connection with other proceedings. They had to recollect the steps taken by certain parties consequent upon the murder of Lord Norbury. He had never seen any instance where the proceedings displayed such absence of every thing like judicial temper. How could magistrates select for party excitement a moment when public opinion throughout Ireland pronounced one universal condemnation and abhorrence against those who had been concerned in that most atrocious crime—he had never witnessed a more injudicious course than the selection of that moment as the time to raise an attack directed against the whole Roman Catholic population of Ireland, proceeding, he did believe, from feelings of religious and party animosity. He had never observed a more complete forgetfulness of what was due to the course of justice, and to the duties of those who were engaged in the investigation of that case—nor a more entire absence of that grave and impartial procedure which should have guided magistrates, he had never witnessed. He would ask, whether the murder of Lord Norbury, atrocious and horrible as it was, was an offence to entitle hon. Gentlemen to raise the cry of a general conspiracy, and thus to excite a feeling of aversion against the people of Ireland? Some hon. Gentlemen seemed desirous to raise the argument, that the House of Lords were justified in adopting that course of procedure, on the ground that a member of the aristocracy—that one of their own body—had been barbarously murdered. He could acknowledge no such distinction, in a case of that description, between the humblest individual in the realm and a Member of the other House of Parliament—in so far as reference was made to the mere rank of the persons, the law makes no kind of difference. Were there no similar cases in former times? He would ask them to consider two cases that happened in his own county. He referred to the murder of Hoskins in the county of Limerick, and that of Going. Hoskins was land agent to the late Lord Devon, the manager of that nobleman's Irish estate. The tenantry under the anterior management of that estate by the present Lord Devon were in a state of general improvement and happiness—every thing was proceeding in the most satisfactory and prosperous manner. But a change took place in the management. The successor of Lord Devon a Mr. Hoskins violated the engagements which his predecessor had entered into—disturbed the engagements which had been made—and refused to perform the contracts which had been ratified. The result was, that one of the most inhuman murders furnished by the records of crime was committed—the more inhuman and brutal, that for revenge against the father, hired miscreants wreaked their vengeance by the assassination of his infant son. Mr. Going again was a magistrate in the county of Limerick—he was the victim of a regular conspiracy—five or six men assembled from distant parts of the country—they lay in wait, shot him, and left him dead upon the spot where he was found with 400*l.* or 500*l.* untouched in his portmanteau, proving, that the only payment these men looked to was the gratification of their vengeance. Now, when Going came first into that county there was scarcely such a thing as an Orange lodge heard or known of in the quarter. But soon after his appointment he brought a police force into the county, almost all of whom were sworn Orangemen, and on the first of July after their appearance they paraded through the county decorated with a profusion of Orange favours and lilies. Here again there was a murder of the most atrocious kind. But was that considered any reason for an attack on the Government of that day? Was that Government dealt with on these occasions as hon. Gentlemen opposite now deal with the present Ministers. Did the then Opposition ever hold the right hon. Baronet or Lord Wellesley answerable for the murders in Limerick, Cork, or Kerry? It was reserved for party spirit on the present occasion to convert Ireland into a battle field, by the amendment of the right hon. Baronet and the vote in the House of Lords. Her Majesty's Government had not brought forward the resolution in its present shape from a wish to shelter themselves from any attack that might be considered expedient upon their general policy. Let any hon. Member who condemned their general policy move a vote of want of confidence in Ministers, and they were prepared to meet it whenever it might be brought forward. But on this occasion all that he felt himself called on to ask them was, to support the Government of Lord Normanby in Ireland, to show the country that they were resolved, that whoever was at the head of the Executive Government in that country he would be called upon to follow out and persevere in the same liberal course of policy. The Government had no wish whatever to entrap the House of Commons into any general exposition of an approval on their behalf. The resolution that had been moved by his noble Friend, the Secretary of State for the Home Department, was confined strictly to a vote on the conduct of the Executive Government in Ireland, and did not go farther; nor could the Government have any right, if carried, to use it for another or a different purpose. But they would not shrink from meeting a discussion on the broad question of their general policy; nor would they with reference to such a question abandon any one principle which they had laid down for their guidance. When such a discussion was raised—if raised it should be—that would be the proper time to vindicate the course taken by the Government on their general policy. Before sitting down he would take the liberty of requesting the attention of the House to the opinion of a gentleman of great and acknowledged talents, who had described the state of Ireland—not an author connected with the political party, who sat on that (the Ministerial) side of the House, but who held a leading position, and great and well-merited weight with the party of the right hon. Baronet and hon. Gentlemen on the opposite side of the House; and who, in a publication of his early days, revised, considered, and re-published in his after years, described the state of Ireland much better than he could attempt, or presume to do, and who, after enumerating the evils which pressed on that country, concluded his remarks by observing, "Nor are we to forget the madness or the malice of Parliamentary faction, surviving the senate of one country, disturbing the imperial Legislature of another, and brandishing Ireland against the Minister, and not against the common enemy." Her Majesty's Government also complained, that hon. Gentlemen opposite had, in this instance, directed their attacks against the Minister, and had lost sight of the real cause of the evils which still afflicted that part of the United Kingdom. He thought the motion for an inquiry in another place, and the amendment moved on the resolution of his noble Friend, a strong example of the force of Mr. Croker's observation. It was brandishing Ireland as a weapon of warfare in Parliamentary discussion, instead of looking to it as a field for practical legislature. [*Cheers.*] The hon. Gentlemen opposite cheered as if Ministers had been the aggressors. He could have wished that those cheers had been reserved for the motion which had been made in the House of Lords,—a motion pregnant with evil, ineffective of good, destructive of all sound legislation, and induced solely by party spirit. He wished that the opinion which had just emanated from hon. Members opposite, had been expressed before the division in another place. It had been said, however, that her Majesty's Government had been actuated in this matter by party spirit. Was it party spirit to defend themselves? Was it party spirit to assert their principles of government? Or was it party spirit to protect the liberties and interests of the subjects of her Majesty in one portion of the United Kingdom.

Debate adjourned.

HOUSE OF LORDS,

Tuesday, April 16, 1839.

Minutes.] Petitions presented. By Lord Kenyon, from Merioneth, against the Appointment of Lord Fortescue o the Lord-Lieutenancy of Ireland.—By Lord Kinnoul, from Perth, for Completing the Caledonian Canal.—By Lord Segrave, from Gloucester, the Earl of Haddington, from one place, and the Marquess of Lansdowne, from a place in Wiltshire, against the Beer Act.—By the Marquess of Lansdowne, from a place in Gloucestershire, Lord Rosslyn, from Lanark, the Earl of Haddington, from Coldstream, Lord Zetland, from ten places, Lord Duncannon, from a number of places, the Earl of Albemarle, from Norwich, and the Earl of Camperdown, from one place, for a Uniform Penny Postage.—By Lord Kenyon, from one place, against any further Grant to Maynooth College.—By the Earl of Camperdown, from Arbroath, against any further Grant to the Church of Scotland.—By Lord Zetland, from several places, for Church Extension in Scotland.—By the Earl of Haddington, from Dunbar, for a system of Educating the Negroes.

HOUSE OF COMMONS,

Tuesday, April 16, 1839.

Minutes.] Bills. Read a first time:—Seditious Societies Act Amendment.—Read a third time:—Consolidated Fund.

Petitions presented. By Mr. M. Philips, from Manchester, Mr. H. Fleetwood, from Preston, and Mr. Wallace, from several places, in favour of a Uniform Penny Postage.—By Lord Norreys, from the Magistrates of Oxford, for Amending the Beer-laws.—By Sergeant Talfourd, from Reading, against the Bill for rating the Landlords of Small Tenements.—By Mr. Villiers Stuart, from a number of places, Mr. Hume, from fifteen places, Mr. O'Connell, from an immense number of places, Mr. H. Grattan, from twenty-one places, Mr. P. Howard, from a place in Northumberland, Sir W. Bellew, from places in the county of Down, Mr. E. B. Roche, from a great number of places, Mr. M. J. O'Connell, from a number of places in Kerry, and Mr. Beamish, from a number of places, in favour of the Ministerial Policy in Ireland.

Government of Ireland — Adjourned Debate.] On the Order of the Day for the resumption of the adjourned Debate being read,

Mr. *Emerson Tennent* said—The principal grounds on which the noble Lord has brought forward this motion, consequent upon the appointment of the Committee in the House of Lords, to inquire into the nature and extent of crime in Ireland, are, first an apprehension of something unconstitutional in that proceeding as a virtual interference with the executive Government; and, secondly, a desire to vindicate the Irish Administration from an implied censure of the House of Lords for the existence of an excess of crime in that country. The right hon. Baronet (Sir Robert Peel) in bringing forward hi amendment, has gone so fully into both branches of the subject, and especially into the constitutional view of this proceeding of the noble Lord, that even had it not been my wish to confine myself to the one topic on which the noble Lord has joined issue with the country, namely, the Irish policy of the Government it would have been impossible for me to have found one point in the general question which has not been previously exhausted by his speech. But without presuming to reiterate that ground—without referring to what has been the conduct of former administrations in reference to similar proceedings of the House of Lords, I cannot avoid remarking, that there is something rather extraordinary in the vigour with which the noble Lord has fastened upon this one vote of the House of Lords, when upon many other recent occasions, votes have been passed not only in that House, but in this, which could be regarded in no other light than as a virtual interference with, and censure upon, the executive Government, but upon which, nevertheless, the noble Lord and his colleagues saw no such necessity for resorting to a proceeding like the present for their vindication. It cannot, I presume, be concluded that the Committee of the House of Lords, which sat last year to inquire into the conduct of the Irish Government, in the matter of appointing Sheriffs (and which has been followed by such salutary practical results) was any other than a constitutional interference with the executive Government, and a stern censure on its errors—and yet both the noble Lord opposite and the noble Marquess whose conduct was most intimately implicated in that proceeding, saw fit to acquiesce in it without any appeal to a counter-vote of this House. Again, Sir, the noble Lord, the Member for Sussex (Lord G. Lennox) brought forward last year a motion which he succeeded in carrying, for an inquiry into the system of promotion in the Royal Marines—that motion was resisted by the Government, expressly on the ground of its being an undue interference with the executive—and yet in that vote also, when carried against him, the noble Lord quietly acquiesced without any appeal to the House to rescind or to reverse it. But now, when a proceeding has been adopted by the House of Lords which may or may not issue in a censure upon one branch of the policy of the Irish Government (but which cannot, in any event, be a more direct censure upon it than was the inquiry into the illegal appointment of Sheriffs last year), the noble Lord and his colleagues sound the constitutional alarm, and fly to this House for shelter and protection. And as to the censure which the noble Lord professes to discover in this proceeding of the House of Lords, I presume there is more of the promptings of conscience than of fair and candid consideration in that apprehension of the noble Lord. Previous Governments in similar investigations have discovered no equal grounds for indignation or alarm, and neither Lord Liverpool nor Mr. Goulburn shrunk from the inquiry into the state of Ireland in 1824, and 1825, although the extraordinary prevalence of crime at both these periods was urged as the immediate, though not the only grounds for investigation. But after all, Sir, although it is a matter of recent date, thus to identify the crimes of Ireland with the Government of the day, it is not pretended that it is for the mere existence or the extent of that crime that the present or any other Government is really responsible, but for the nature of the means which they have employed to crush and to suppress it. If the noble Lord and his colleagues shrink from anything in this investigation, it must be, I apprehend, from that branch of the inquiry. The noble Lord, the Secretary for Ireland, on a former occasion imputed to this side of the House that we had been the first to render the Government of the day responsible for every act of violence and outrage which might occur in Ireland. The noble Lord was incorrect in that assertion, as the first parties to lay down that principle, and to charge the disorders of that unhappy country on the existing Government, were the hon. and learned Member for Dublin and the hon. Member for Kilkenny, who so far back as 1833, avowed it as their conviction, that "all the crimes which were then committing in Ireland were to be laid to the door of the Whigs," and that it was "the administration of the King's Government which had rendered life and property insecure in that country." Sir, if that doctrine be true as to the administration of 1833, I should be glad to know what there is in the Government of 1838 to take it out of the same rule? Unless, indeed, it be the principle laid down by Lord Wellesley, in his celebrated letter to Earl Grey, "that outrage and agitation were mutually cause and effect," and that whilst the latter was put down by every exertion of the Government of 1833, agitation has been cherished as the very life-blood of the Government of 1838. But, Sir, divested of all extraneous considerations, the simple question which the noble Lord's motion has brought to a direct issue, and which the labours of the Committee, now sitting, will place undisguisedly before the country, is this: Has the Government of Lord Normanby, or has it not, taken every rational and proper precaution for the suppression of crime and outrage in Ireland during the period of his administration of affairs in that country? Sir, into the extent of crime and outrage in Ireland, or into the question of the comparative amount at this moment as compared with its prevalence in former years, it is by no means my intention to enter—as well because the attention of the House has been of late repeatedly called to that melancholy subject, as because her Majesty's Ministers have admitted its existence, and taken their ground solely upon the point of their policy for its suppression. Besides, Sir, it is unnecessary for my purpose to make the revolting investigation, whether committals have been 5,000 less in the past year than of the year preceding, or whether convictions have increased during the same period in the same formidable ratio. It is unnecessary for me to correct discrepancies of 14,000 offences in one criminal return, or to supply deficiencies of 7,000 in another. It is sufficient for the Legislature to pause, when the admitted and deplorable fact, that no less than 27,000 criminals have been committed during one year for trial in Ireland, and that 160,000 have been summarily convicted during the same brief space of minor offences against the laws; and all this occurring in a country of which the hon. and learned Member for Dublin declared, in 1830, in rebuking an observation of the hon. Member for Shrewsbury, that its moral character stood so high that it was impossible to elevate it higher, and that the very existence of crime was every year disappearing—a country of which the noble Lord the Secretary for the Home Department, no later than 1837, stated in his place in this House, that it was " almost entirely undisturbed by crime, and rapidly improving in its national condition." Sir, when we find her Majesty's Ministers, both in this House and elsewhere, contented to ground their defence upon the assertion that the state of crime in that country, if not improved, is at best no worse at the present moment than in former years —that homicides, if they have not diminished, at least have not multiplied in amount—when we find a state of society in which murders are so prevalent, that the victims of a year are no longer reckoned by tens, but by hecatombs, is it not time for us to pause, and to inquire into the cause and the remedy for such a visitation? When " iniquity has come in like a flood," instead of uselessly calculating the drops, it is time to rouse ourselves, and to inquire what precautions have been taken to drive back the current. The public cannot be satisfied with the simple explanation that crime is not greater now than when her Majesty's Ministers came into office—the point on which they will require to be satisfied is this, what steps have been taken to render it less? The exposition would extend further than would be warranted by the indulgence of the House, to point out the connexion between such lamentable offences, and those habits of turbulent excitement which are inseparable from perpetual political agitation, and by which men's minds become first familiarized with violence, and finally reconciled to crime; or to show me how far that great originating cause, the political agitation which seems peculiar to Ireland, has been, if not recognized and encouraged, at least sympathized in and unrepressed by her Majesty's Government. From a diffidence of the patience of the House to listen to any lengthened statement, I shall abstain altogether from that topic, as to how far the conduct of the Irish administration may be inculpated as the cause of Irish disturbance, and confine myself to the one issue which they have themselves selected, of the principles and policy by which they have attempted its suppression.—The first and most formidable feature in the failure of the administration of the law in Ireland of late years, and that which has created the greatest alarm and loss of confidence in its efficiency, has been the difficulty of obtaining convictions in criminal cases—owing to the sympathy of jurors—the impossibility of procuring information as to the commission of offences—the intimidation which deterred the generality of witnesses from coming forward to prosecute —and the persecution and violence which have, in numerous instances, been visited on those who ventured to do so. Sir, if the illegal appointment of Sheriffs on the mere nomination of the Crown had no other effect than promoting this discomfiture of the law, that one error alone would be sufficient to implicate her Majesty's Ministers in the abetting crime in Ireland. The only conceivable object which the Lord-lieutenant could have in travelling out of the Judges' return was, to select that individual whose appointment would be most agreeable to the popular party—the popular Sheriff, as a matter of course, found it his interest to prepare a popular panel, and the greater the condescension which he exhibited in selecting jurors from the lowest class who were eligible to serve, the better understanding and the closer sympathy was he certain to insure between the jurors of the county, and the individuals on whose guilt they were to decide.—Sir, there is no more convincing assertion of a principle than the production of a striking exception, and if a doubt upon that matter can be reasonably entertained, I would point at once to the instance of the Special Commission which the Lord-lieutenant felt himself constrained, after all his boastings of tranquillity, to send to Tipperary at the close of the last year. The Sheriff, who prepared the panel upon that occasion, was one chosen in the constitutional mode, from the list which the Judges had returned, and well aware of the cause which had so long defeated the current of the law, he selected his jurors, not from the freize-coated 40*s.* freeholders, but from the men of property and intelligence in the county, and what was the result? The murderers in the dock, aware that their last scheme for escaping had been defeated, first challenged the entire array! then objected to every name in the number, which law permitted to the accused, and were finally convicted of their offences, because instead of twelve commiserating sympathizers they had twelve intelligent and independent men for their jury.—Connected with the prosecution of criminal offences in Ireland, there is another proceeding, the propriety of which has been so often and successfully questioned in this House, that there is but one observation which I am anxious to make upon it—I mean the alteration in the practice of setting aside jurors at the instance of the Crown, as introduced by Sir Michael O'Loghlen. I am aware that the explanation given by the Government is this, that the Crown Solicitor was instructed to refrain from objecting to jurors on the score of religion or politics alone, and to interpose only in cases where grounds of specific objection had come positively within their knowledge. But whatever these specific instructions may have been, it is an indisputable fact, that an impression was created, and still does exist in the minds, both of the people of Ireland and of the Law Officers of the Crown, that the practice of objecting in any case was unfavourably regarded by the Government, and discountenanced by them; and instances might be multiplied without end, in which it would be impossible to persuade the people of Ireland, that the most lamentable evasions of justice had not arisen from this single cause. But in an especial degree this impression as to the feeling of the Irish Administration has proved prejudicial to the fair course of the law, inasmuch as the Crown Solicitors on the various circuits, being removable by the authorities at the castle, would be most likely, if they exercised any discretion at all, to incline to that course which they fancied would be most gratifying to their superiors, and would, consequently be biassed by self-interest in interfering as slightly as possible with the panels, no matter how objectionable they might be. As illustrative of this tendency I will mention one instance of very recent occurrence. A crown solicitor in Ireland, lately objected on one trial to no less than eighteen or twenty names which were called upon the jury. The prisoners were, I believe, ultimately convicted, but so confident were the people in the sympathy of the Government, that a memorial was instantly forwarded to Lord Normanby, from the Liberal club, to complain of so flagrant an instance of political persecution. The officer of the Crown was, of course, something alarmed to receive in consequence a communication from the castle, directing him to account for the transaction, to which he forwarded a ready reply, that he had received positive information, that the persons whom he had set aside were all members of the very club who had forwarded the complaint, and having been actually contributors to a fund subscribed for the defence of the very prisoners at the dock, nevertheless, most virtuously indignant at being deprived of the pleasure of sitting as jurors at this trial! This reply was, of course, conclusive. But suppose in this case, that the grounds of objection, though equally valid, had been less clear and specific, in what peril would not the crown solicitor have felt that he had placed the tenure of his office? Or is it likely, that this same individual, with the consciousness of his liability to be similarly summoned to an account upon every future occasion, will act with that intrepid judgment and cool deliberation which the duties of his office would demand and require, or that for the future, he will not have many an individual upon a jury whom his moral conviction would constrain him to set aside, but whom caution and self-interest will compel him to retain, in the absence of legal evidence to justify his conduct, if called on to account for his removal? A third, and by no means an unimportant peculiarity in the mode of conducting criminal prosecutions in Ireland, is the practice of waiving the right to reply to the counsel for the prisoner by the counsel for the Crown. This is another of those baits for popularity on the score of a spurious humanity, which are characteristic of the present Irish administration, and the dangerous tendency of which must be instantly apparent on the slightest consideration of the class of jurors whom they have to address — of the inconsistent and contradictory nature of the defences, whose falsehood, and whose perjury, it would be their duty to expose, but which, owing to the abandonment of their functions, almost invariably lead to the acquittal of the offender. So, is it to be wondered at, that, with these three causes in active operation; with this mischievous tampering with the machinery of justice, prosecutions for criminal offences should have become a mere farce —a solemn absurdity in Ireland? With prejudiced juries, selected by partizan sheriffs, with their purification discountenanced by the Government authorities, and their misconceptions and ignorance never once grappled with, or dispelled by the address of the counsel for the Crown, is it at all surprising, or unaccountable, that convictions should be of scanty occurrence, or that crime should be associated with almost absolute impunity in Ireland! Is it to be wondered at that the culprit and his friends should look forward with indifference to the solemn mockery of a trial, that the only individuals who should have real grounds for apprehension are the disheartened and discomfited complainants, and that the gaols should become as often the welcome refuge of the discredited and terrified witnesses as the abode of the criminals, whom they fruitlessly sought to convict? Without alluding to the remoter districts of Ireland, of which I have no personal knowledge, I state it as a fearful illustration of the consequences of this defective and perverted system, that in the most disturbed counties of the north of Ireland —namely, Louth, Monaghan, and Armagh, there has not been for the last four years one single conviction or punishment for murder, although no less than 146 indictments have been tried for that crime, under this defective and perverted system. I state that as a formidable illustration of the discomfiture of law in Ireland, and I call upon the noble Lord to refute it. I call upon him to point to one solitary instance in which the crime of murder, though of melancholy frequency as to occurrence, has been either detected, convicted, or punished as such, in those three counties during the entire period o the administration of Lord Normanby? And yet these are the results; these are the evidences of that policy of the executive government of Ireland, on whose wise and efficient administration of the law, we are this evening invited to bestow the testimony of our confidence and approval. In perfect consistency with this process for the prevention of convictions has been the practice of the Lord-lieutenant in his discretionary use of the prerogative of mercy, for annulling them when obtained. "Discretion," Lord Camden said, "is the law of tyrants;" and certainly in this instance the Marquess of Normanby has ventured upon an experiment in its exercise which any living man, but one either divested of fear or indifferent to responsibility, would have trembled to attempt. Sir, I am willing, for the sake of argument, to take Lord Normanby's own explanation of his motives—I am willing to adopt the apology which was offered for him by Lord Melbourne in the course of last year, that his unlimited pardons conferred upon the convicted felons in Ireland were merely an experiment to ascertain "what advantageous impression they might create at the moment; and how far the spirit of tranquillity might be fostered and encouraged by their display." But even admitting the philosophy of that intention is there any man in his senses who can calmly approve of either the extent of the operation, or the time which was selected for the experiment? Was it a prudent period to select for such a hazardous cast, when it had been publicly asserted and corroborated by gloomy experience, that the murder of any individual in Ireland could be compassed for a reward of half-a-crown to a hired conspirator? Was that a judicious moment to choose for experimenting on law? Was it practicable to propitiate assassins by assurances of pardon? Was it a prudent moment when the fever of crime was at its height, when the gaols of Ireland were swarming with their formidable visitants—was that a rational moment to select for the romantic adventure of Lord Mulgrave, in throwing wide the prison doors, and appealing to the chivalrous honour of their inmates, to "go and sin no more?" Sir, it was one of those wild exploits in Government, which even success would be insufficient to justify, but which has been most palpably and fearfully rebuked by its utter and lamentable failure—a failure which has been most signal and most melancholy, in proportion as the experiment has been most favourably and most extensively tried. Beccaria, and every other authority on criminal jurisprudence, have laid it down as an axiom, that crime is to be effectually prevented less by the amount than by the certainty of punishment; but it has been reserved for Lord Normanby to make the formidable experiment of how far crime might be restrained by the absolute certainty of impunity. Contemporary with the discovery in physics that human disorders are most effectually eradicated by the propagation of symptoms analogous to their own, it has been reserved for the late Lord-lieutenant of Ireland to introduce into the science of government the homœopathic principle of "Similia similibus curantur," that crime may be most thoroughly suppressed by affording every facility for its propagation. But, Sir, it is impossible for those who are not living in the country itself, and witnesses to the alarm and trepidation of its inhabitants to comprehend in their full extent the disastrous effects of this rash and daring innovation on the enforcement of the law. It has destroyed alike the reliance of the plaintiff, and the fear of the offender for the vigour and authority of the courts. The hope of justice is equally withdrawn from the sufferer, and the apprehension of it from the culprit—whilst the ignorant and astonished population have been taught to look upon the judges of the land as so many itinerant tyrants, and to regard the most revolting offences only as so many claims to the pity and commiseration of the Crown. But frightful as may be the contemplation of the extent of crime in Ireland, its evidence is even less formidable than the knowledge of the impossibility either to punish or prevent it. Crime, it is to be feared, there must always be in every country to a certain extent; but there is always a hope and a confidence that that extent cannot expand so long as the great mass of the population are virtuous and sound. But what hope can we entertain of a community, in which the feelings of the majority are rather with the criminal than against the crime; and the sympathies of the mass are less with the victim than the murderer. It has been said on the one hand but contradicted on the other that this sympathy with murderers in Ireland is the result of a widely-spread conspiracy, the ramifications of which are incessantly employed either in the suborning or concealment of crime. So far as regards the exculpation of the character of Ireland, it is utterly immaterial whether that contradiction be sustained or reversed. If there be not a conspiracy such as this amongst a portion of the people, then must it be what is more formidable still, a conspiracy and conjunction of the entire—an all-pervading and unanimous impulse to tolerate assassination, to facilitate revenge, and to stifle with one consent the call for justice and the cry for mercy. And this is the pass to which we are compelled to admit society has arrived in Ireland, at the close of the four years' administration of "the paternal Government of Lord Normanby." Sir, as the vote of this evening is to embrace the entire policy of the Irish Government, I presume the department of the Irish Church is not to be excluded from that consideration. The Irish Church has been, all along, the most prominent feature in the policy of the present Ministry—it was their scaling ladder to power; and it has formed the material of two-thirds of their deliberations in office. And, Sir, I should be glad to learn what section of the people of Ireland will have their feelings honestly represented by the vote of the majority of this House, which will avow confidence in her Majesty's Ministers upon that question of their policy towards the Irish Church? Do you imagine that the vote of this night will express the confidence of the Protestants of Ireland upon that point? That people from whom for three years you capriciously withheld an equitable settlement of that system on which they were dependent for the maintenance of their public worship and the support of their established religion; and to what purpose? only to yield to them in 1838 that measure of justice which you factiously denied them in 1835. For three years and upwards you kept the tithe sore open in Ireland, festering and ulcerating society, whilst you held the remedy ready in your hand, and yet forebore to apply it. The Protestants of Ireland year after year implored you for a settlement; we pressed upon you in this House the very measure which, when it answered your ends, you ultimately adopted. The Tithe Act of 1838 differed in no essential particular from the Bill for which we prayed in 1835, which was actually on the table of the House, but which you refused to grant till you could no longer hope to reap any advantage by withholding it. And is it for these three years of needlessly protracted anxiety and turbulence and insult that you ask for the confidence of the Irish Protestants in your policy towards the Irish Church? Do you include the clergy of the Irish Church in the vote of confidence which you now solicit? Lord Normanby a few days since, in his parting address on taking leave of his Government, declared that he had "spent four years of uninterrupted happiness in Ireland." Sir, those were four years of uninterrupted misery to the Established Clergy of that country—four years of privation, and poverty, and bereavement, and sickness, and death—sufferings which it was in your power to have prevented, but when they made these sufferings known to you, how did you redress them? The clergy have not yet forgotten that the Executive Government of Ireland illegally and unconstitutionally refused them the aid of the civil force for the protection of their property, and the assertion of the law in their behalf, till compelled to do so by the decision of the House of Lords. They have not yet forgotten that you designated the complaints "a dismal tale of an imaginary malady." They have not yet forgotten the chilling witticism of the noble Lord opposite (Lord John Russell)—

> "Call it madness, call it folly,
> You shall not drive my grief away;
> There's such a charm in melancholy,
> I would not, if I could, be gay."

And yet with all these recollections, fresh and galling in their remembrance, the noble Lord comes down to this House, to ask a vote of confidence from the representatives of the Irish Protestants and the Irish Clergy. But on the other hand, leaving aside altogether, the feeling of the Protestants in Ireland—has your policy towards the Established Church, been such as to enable you to demand a vote of confidence from its Roman assailants in that country, or its no less formidable opponents in this? Have you observed your promises to them for its reduction? Have you redeemed your pledge of laying the foundation for its ultimate humiliation? Do you ask the confidence of the Irish peasant, who encouraged by your Phillipics against the Church, and acting under the advice of the National Association (of that very Association; and perhaps of that very individual member of it, whom you selected as your confidential adviser), was induced to resist the payment of his lawful debts to the clergy till he was immured in gaol as a rebel, and liberated only when reduced to a beggar? Do you ask for his confidence in your policy towards the Irish Church—that policy which began by deluding him into a belief that it would cancel tithes altogether as a lien upon his land, but which has ended in cancelling his lease itself, and in doubling the facilities for driving him from his farm, if he hesitates one moment to discharge them? But, above all, do you ask the confidence of this House or of the country, in the matter of the Irish Church on the score of your dealings with the Appropriation Clause?—It was the outstretched hand that raised you into power—it was at once the author and the essence of your existence as a Ministry—it was equally the foundation and the keystone of your policy. If there ever was a measure which, not only from its external accidents, but from your asseverations of its imperative and indispensable nature, the public might have had confidence would be carried into effect, it was the appropriation of some portion of the revenues of the Irish Church to secular objects. The noble Lord opposite declared that it would justify an agitation for the repeal of the Union, and the dismemberment of the empire itself, if the resolution to that effect were to be defeated or deferred. You were bound to it not merely officially as Ministers of the Crown, but personally as men of honour and of principle. Lord Melbourne himself declared so on presenting the Bill which embodied it to the House of Lords in 1836:—

> "It is upon the great and decisive principles which we have adopted, and the maintenance of which, undoubtedly, is absolutely necessary to our character and reputation; as I believe it to be essential to the advantage and benefit of the country. It is upon that great and decisive principle myself and my colleagues are pre-

pared to stand. . . . It is, in my opinion, a wise resolution; in my opinion it is such a resolution as is calculated to settle this question on grounds which will be really satisfactory; and therefore, not only in point of honour, not only in point of feeling, not only in point of reason, in point of everything that is binding upon man, I consider myself undoubtedly bound to adhere to the principle and letter of this resolution."*

And was the language of the head of the Ministry in this House less deliberate or less resolute? The Noble Lord opposite (Lord John Russell) ten days after, on the Bill coming back to this House, denuded of this vital principle, thus declared his determination:—

"The House of Lords have sent the Bill back, rejecting that which the House of Commons have declared an inseparable part of it. . . How then are we to deal with such a Bill? I content myself with referring to the debates of last year, and the resolutions then passed; and with declaring, that I and those with whom I act, are satisfied of the truth and justice of the principles of those resolutions, and that from those principles we are not ready to depart. It may be a question for the House to consider, whether, having solemnly affirmed those principles, they are now prepared, because the House of Lords has rejected them, to yield them up, important as they are, and to endeavour to agree with the Lords upon this subject, either by assenting to the Bill before them, or to some other Bill, which might be introduced. If the Members of the House of Commons were to go to the bar of the House of Lords in that humble guise—recanting their former resolutions—submitting that they had been in error—and that the wisdom of the House of Lords had taught them a lesson of policy which they had not before learned; I must say that I would not accompany the House of Commons on such a message. We are here, prepared to stand by the principles which we have professed. We maintained those principles as an essential part of the final settlement of this question, when we were out of office. With the affirmation of opposite principles now—with the denial of the principles which we have professed—of course it would be our duty to resign—of course it would be our duty no longer to pretend to govern the counsels of this country." †

Sir, I do say that, when after these solemn declarations in the face of the Parliament and of the country, we find that that measure has been abandoned—when, after the lure even indirectly held out to him of an expected subversion of the tithe system, the Irish peasant discovers that that system has been not only repaired but reinforced; and when, after the threat menaced for three years of inflicting "a heavy blow and a great discouragement upon Protestantism," the Irish Protestant perceives that that blow is only averted because her Majesty's Ministers,

"Willing to wound and yet afraid to strike,"

have discovered that they want the power to inflict it. I do say that it is delusion, or something worse than delusion, for Ministers to seek for a vote of confidence in their policy towards the Irish Church at the hands either of its friends or its assailants. The Noble Lord (the Secretary for Ireland), Lord Morpeth, has, to be sure, on a former occasion, challenged our confidence in the policy of the Government, so far as the in ernal affairs of the Church were concerned, and the exercise of patronage in the distribution of dignities and livings. But whilst I grant, so far as I know, their faultlessness in this respect, inasmuch as in the Church of England, there were no offices to which Roman Catholics are eligible, and, amongst her clergy, but few political partizans of the Noble Lord to fill those which fall vacant, I would plead, as a set-off to that demand for confidence, the appointment of Lord Ebrington to the administration of the ecclesiastical affairs in Ireland—arriving, as he has in that country, with the law which he is to enforce in one hand, and his own speech as a glossary whereby to interpret it, in the other. Sir, I remember to have heard it stated more than once in this House, that however eminent might be the personal qualifications of a Governor in Ireland, those qualities were accounted as nothing, if the people of that country had not perfect confidence in the exercise of his power. I remember myself to have heard the hon. Member for Kilkenny in the House declare, with reference to my noble Friend the Member for North Lancashire, then Secretary for Ireland, that, however high his qualifications he should be dismissed from that office, because the people of Ireland were dissatisfied with him—"that even if he had no faults—if there was no doubt of his competency for office—still, if the people of Ireland thought differently, it was but right and proper that the Government should remove him—even if all the prejudices against him were unfounded, it was the duty of the Cabinet to get rid of him." [*Cheers.*] Sir, I understand perfectly the cheer of the hon. Member—I understand thoroughly whom he means by "the people of Ireland"—but, Sir, I appeal from that cheer to her Majesty's Ministers, and I ask them, is it carrying out their principle of conciliation and their professions of impartiality to appoint a Governor to that country, whose only title to the confidence of one party, is, that he is regarded with alarm and apprehension by the other? Oh, Sir, apply the doctrine of the Hon. Member for Kilkenny to the case of the Lord-lieutenant of Ireland. We do not dread that Noble Lord's administration upon surmise for upon hearsay, his own voice is yet ringing in our ears; any incompetency which he may exhibit for any branch of his Government, he is convicted of on his declamations, and on the showing of his own avowed opinions. And yet, within one fortnight from the date when Lord Ebrington lands in Ireland, with a declaration of "war against the Church" still fresh upon his lips—her Majesty's Ministers, who dispatched him thither, have the infatuation to call upon the Protestants of Ireland, for a vote of confidence in their friendly policy and pacific intentions towards the Establishment of that country! No, Sir. Whatever difference of opinion there may exist as to other departments of Irish policy, howsoever Members on the opposite side of the House may be disposed to attest their confidence in the Irish Administration of her Majesty's Government, it must be with an entire reservation of the question of the Irish Church. Upon that question their feelings and opinions have been disregarded equally with our own. But besides this, on this point of the Church, the sincere and earnest opponents, those who have been up to this moment equally energetic and consistent in their proposals for what they consider to be a proper regulation of the Irish Establishment (the supporters of her Majesty's Ministers upon every other occasion), have already recorded their deliberate opinions. Are they prepared to falsify that record now? Are the two-and-thirty hon. Members, who on the third reading of the Irish Tithe Bill, last year, denounced that measure as a delusion, pregnant with evil, and calculated to deprive the Ministry of the confidence of the people of Ireland, who voted with the hon. Members for Mayo and Kilkenny, against its being permitted to pass this House—are they prepared to retract that deliberate censure, and to declare their unqualified confidence in the wise and consistent policy of the Ministry towards the Irish Church? I regret to see so few present on the opposite benches; but is the hon. Member for Sheffield, who voted in that division, prepared to take that course? Are the Members for London, Lambeth, Southwark, and Westminster, and the Tower Hamlets and Marylebone, who were all in the same division, prepared to follow his example? Will the Members for Cockermouth and Wolverhampton do the same? Unless they do so—unless they reserve and protest against the policy of the Irish Church measures, then will their vote to-night be a direct contradiction of their recorded opinions in July last? Looking then, Sir, to the entire course of Irish policy, legislative as well as executive, to the selection of Government functionaries; to the patronage of the bar, the bench, and the civil offices of State; looking to the Government of the Church, and the administration of the law, I can see no one department on the grounds of which the Conservative Members of this House can tender their confidence to her Majesty's Ministers; and I can see but few in which, whilst they can claim the votes of their Radical allies, they would not be at issue with the more cautious and moderate Whigs upon the other—those Whigs I mean who, before the accession of Lord Melbourne, and the compact of Litchfield House, formed the party which supported the Government of Earl Grey. Now, Sir, in alluding to Earl Grey's Administration, allow me to make one observation, there is no expedient which, on every emergency, has been more triumphantly resorted to by her Majesty's Ministers, both in the House and elsewhere during the last four years than an appeal to the precedent and example of Lord Grey's Government. The policy and practice of his Cabinet are appealed to in every instance, whether to justify an attack, or to furnish a defence. It seems as if

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* See Hansard, Vol. xxxv. page 483—Third Series.

† See Hansard, Vol. xxxv, p. 768, 769. (Third Series).

> "This weapon of their weakness they can wield
> To wound, defend, at once their spear and shield."

But I think this is an unwise and a hazardous comparison for them to institute; in liberal professions the two Governments are indeed alike, but in liberal performance it is impossible to avoid confessing "Oh, how different." Their administration scarcely affords one solitary point of genuine similarity. Patronage, which Lord Althorp disclaimed as an exploded expedient for the maintenance of Government, has been the aliment and the essence of the influence of Lord Melbourne. In this particular, too, so faithfully did Lord Grey's Government observe that pledge, that even the hon. Member for Dublin was compelled in this House time after time to taunt the Irish Government of Earl Grey with their indiscriminate and impartial bestowal of places of honour and emolument. Their nomination of Tory not less than of Whig noblemen as Lords-lieutenant of counties —their commissioning of Conservative as well as of Liberal Magistrates—their appointment of Sheriffs from men of all parties, and their elevation to the bench, of Judges of politics different from their own, but of attainments to entitle them to the honour—and, in short, that in every department of the State they had promoted men who were their own political opponents—certainly in this particular the Government of Lord Melbourne has steered cautiously clear of liability to any such imputation. In fact, no better proof can be adduced of the sincerity of Lord Grey, than that he conferred a silk gown on the hon. and learned Gentleman, the Member for Dublin himself, avowedly on the score of his professional rank and irrespective of his political position; but I defy her Majesty's Ministers to produce one solitary instance—to point to one single gentleman of eminence at the Irish bar—one barrister, whether Protestant or Roman Catholic (and Roman Catholic Conservatives are to be found even at the Bar in Ireland) of distinguished attainments and eminent esteem, but of Conservative politics, upon whom, in the whole course of their Administration, they have conferred similarly well-earned and honourable distinction? No—but whilst these have been studiously secluded, her Majesty's Ministers have pressed the honours of the Bench upon the hon. and learned Member for Dublin himself, notwithstanding his own numerous declarations in this House, that from his political partizanship, the people of Ireland should not tolerate such an appointment. It has ever been regarded as one of the noblest concessions of the Crown to the liberty of the people, that the Judges of the land should be independent even of the influence which creates them, and of the Monarchs whom they represent. It was one of the hobbies of William 3rd that he was the first to introduce that glorious principle into the Constitution of England; and it was the first Act of Geo. 3rd, as a king, to extend and to confirm it. The whole course of the legal patronage of Lord Normanby has been one persevering effort to undermine that independence, and to render a seat upon the Bench, whether in the higher or the minor tribunals of the law, dependent upon the amount of political exertion by which it could be purchased. Throughout the entire framework and structure of society, the same spirit and principle have been all pervading and universal; and every door to promotion, whether honorary or professional, over which Government has had the control, has been readily closed against every aspirant, however distinguished, who could not pronounce the Shibboleth of faction, or who would not join the worship of the Dagon of agitation. Is it possible, Sir, for the Protestants of Ireland, with a fidelity to the Crown which has never been impeached—with no stigma inherent in their caste—no imputation on their honour to deprive them of the countenance and encouragement of the State—is it in human nature to believe that they should regard with complacency, and bow with calm endurance to the edict of a party which repulses them from every office of honour or emolument in their own country, to which their talents and acquirements might entitle them legitimately to aspire. It is but a few months since all Ireland resounded with a murmur of indignation, because a noble Lord had designated one class of the population as aliens from the feelings and the habits of the other. What, then, must be the indignant emotions, not the less intense because less clamorously evinced, of those who are made, from day to day, to feel and to experience that not in name only, but in substance and in reality, they are treated as aliens, and as foreigners in the land of their birth? Sir I have the authority of an hon. Member, whose opinions are of much weight, upon the opposite side of the House, for saying that such a system would not be tolerated by the Protestants of England,

and should not, for one moment be endured by the people of Ireland. And when hon. Members are disposed to comment upon the expressions of Lord Lyndhurst, I would beg their attention to the following energetic opinions of the hon. Member for Kilkenny (Mr. Hume) who in denouncing the appointment of twenty-six Protestant gentlemen as stipendiary magistrates by Lord Anglesea, in 1833 thus delivered his sentiments on the matter of aliens and partizan appointments:—

"Why is it," said the hon. Gentleman, "that Catholics are carefully excluded from the list of twenty-six stipendiary magistrates, who have been recently appointed in Ireland? Why are they carefully excluded from such situations, and twenty-six foreigners appointed to them?" Several hon. Members here cried, "Hear, hear." "Yes," continued Mr. Hume, "I contend that they are foreigners—they are persons foreign in their habits and religion to the bulk of the people—and I say then that foreigners have been appointed to these offices, ... Suppose that there were twenty-six magistrates to be appointed in England, what would the people of England say, if none but Catholics were selected to fill these offices. But what would be said if none but Catholics were nominated to every lucrative office in the country? Would this be borne in England? Then why should the system be endured in Ireland? I am only astonished that the people of this country have borne with it so long."

And yet this is the very system for the continuance of which, in Ireland I make no doubt the hon. Member will this night record his vote along with her Majesty's Ministers. But, again, the tenure of office which was recognized and respected by Earl Grey, was regulated by the power of his united Cabinet to carry through those measures which they deemed essential, and to resist others which they condemned. When no longer able to maintain those provisions of the Coercion Bill, which were indispensable for the suppression of agitation in Ireland, and when no longer supported by his own Cabinet upon the question of the Irish Church, Lord [Grey retired from office. In like manner the present Premier has been thwarted in his attempts to carry that measure to which, by his own declaration, he stands pledged by policy, by honour, and all that is binding upon man. In like manner, he has seen the majority of his Cabinet, and every Member of his Government in this House give their exulting support to that which he has pronounced to be "before God the wildest and the maddest project that ever entered into the conception of man." But, unlike Earl Grey, Lord Melbourne is still first Minister of the Crown. But, Sir, when thus challenged to a comparison, let it not be one of details but of results. Let us contrast the position of this country, after four years' Administration of the present Government, and its position as it stood on the termination of the four years' Administration of Earl Grey. On the 9th of July, 1834, on retiring from office, Lord Grey thus summed up the proceedings of his Government:—

"On the first night I appeared here as Minister, I declared that the three great and leading objects of my Administration should be a Reform in Parliament, peace, and economical Reform"—"No one in this House, or elsewhere, will say that Reform in Parliament is a pledge which I have not redeemed. Peace was the next principle of my Government—and how was it maintained? We have not only maintained tranquillity, but we now leave the Government, having secured a greater probability of the peace of Europe being continued than when we took office. With respect to economical Reform, we have taken off four million five hundred thousand pounds of taxation. Places have been abolished, and the patronage of the Crown diminished to a degree, with regard to which I feel bound, in honesty and justice, to admit that my only doubt, is, whether we have not done rather too much. With respect to the internal state of the country we leave trade in a sound and healthy condition — manufacturers generally employed—public credit improved—the revenue greatly increasing, and all interests in a better condition, with one single exception—the depression of agriculture, less affecting the tenantry than the landlord, through a reduction of rents. The political and trades' unions have disappeared, we asserted the powers of the law as it stood for their suppression, and by administering it with a firm hand, the result has been complete success."*

Such, Sir was the condition of this vast empire when, in 1834, Earl Grey handed over its interests to the guardianship of Lord Melbourne, and I ask any Gentleman opposite who has been a colleague or supporter of that noble Lord—any hon. Member who will justify the policy of the present Administration by an appeal to the example of their predecessors, whether he thinks the prospect of peace is as bright and unclouded at the present moment as it was four years ago? Whether the patronage of the Crown has been increased or diminished by the multitudes of temporary places, the recent creation of which has, at least made compensation for the more permanent offices, the abolition of which Earl Grey was disposed to regard with apprehension? I would ask here whether the revenue bears the same gratifying aspect as compared with the expenditure, and whether public credit is equally firm and respected now as it was four years ago? Above all, I would direct him to the comparative repose of the public mind, the subsidence of agitation, and the disappearance of political conventions at the present moment, as contrasted with the spring of 1834, and if, on all these points, his convictions are satisfactory, then, indeed, I can see no possible obstacle to his uniting this night in a vote of confidence in her Majesty's Ministers. But looking merely to the broad principles which, in the words of the noble Lord's resolution, have guided the Executive Government of Ireland, and formed the basis of their policy—looking to these alone, disincumbered of all minute details, it is impossible for me to bear my testimony either to their wisdom or their efficiency; because I can only regard that policy as presenting in all its ramifications the consistent and unvarying evidence of being based on one fatal and fundamental error. As it has been the act and the aim of Irish agitation to represent every social evil as a political grievance, so has it been the guiding principle of the Irish Government to apply a political remedy to those maladies of the social system which political abuses have never caused and political nostrums can never cure. Her Majesty's Ministers have been mistaken alike in the disorder and the remedy, and they have aggravated rather than relieved that which is a disease of the internal structure of society by their fruitless applications of counter-irritation to the surface. Ireland has her domestic wants—wants of which in her benighted misery even she herself can form but a confused idea, either of the nature or the extent—she wants peace, she wants food, she wants education, and she wants employment; and when she comes to you to complain of her destitution, you give her theories of ecclesiastical foundations, and doctrines of popular representation, and schemes of municipal Government, and essays on the duties of property as contra-distinguished from its rights. She prays for bread and you give her a stone—she asks for a fish and you offer her a serpent. The first and the most formidable disorder of Ireland is religious animosity and sectarian aversions—and how do you proceed to remedy this? Is it by creating any new and national object in which hostility might be forgotten—an important and general interest, in which animosity might be absorbed. No, but by espousing with a vigour only equal to their own all the envenomed prejudices of the one party by distorting their grievances and aggravating their complaints—and then, by declaring "war against the Church," and the institutions of the other. Ireland wants education, and how do you proceed to supply it? By an establishment whose regulation renders it unacceptable to one class of the population, whilst they inculcate and confirm the exclusive prejudices of the other—an establishment which, whatever it may have been originally, does not, I venture to say, contain at this moment, one single functionary, commissioner, or officer, teacher or trustee, who is not either a member of the favoured religion or a follower of the dominant faction. Ireland wants food for her destitute inhabitants. But already the popular passions which your policy has created and encouraged, have perverted the remedy which Parliament has applied, into a fresh engine of political mischief and domestic strife. Again, Sir, Ireland wants internal quiet, and the security of the law for the protection of property and life. Three-fourths of that country present at this moment, but in an aggravated intensity, the same aspect of turbulent audacity which characterized the Highlands of Scotland a century ago. When Dr. Johnson was told that with all these wants and disadvantages the mountaineer of Scotland had made rapid advances subsequent to the rebellion of 1745, his only reply was, "that of all their wants, the greatest and the most pressing still was, the want of law," and the same, Sir, may we say of Ireland—

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* Hansard, Third Series, Vol. xxiv. p. 1313-1314.

"That purple land where law secures not life,"

and in which the noble Lord who has just left its Government has earned for himself an unenviable and imperishable notoriety by reversing the attributes of authority, and exhibiting Mercy blind, instead of Justice. But above all, Sir, and as the foundation of all—Ireland wants employment for her portionless and overwhelming population. It was well said by a distinguished Irish Representative in this House, who is now no more, Mr. North, that "there is no State policy, no secret of Government by which it is possible to reconcile idleness with tranquillity; and that all the arts of civilization were nothing more than so many expedients to make peace and industry productive of each other." In the history of mankind there never was a more forcible illustration of the imperishable truth of that axiom of government, than the relative position of the two portions, north and south, of the country we speak of. The south, with every advantage of nature unavailing, and with every resource unexplored, overrun with idleness and famine, and poverty and crime—the north, with all its energies in full vigour, its agriculture productive and its artisans employed, enjoying all the blessings of security, prosperity, and peace. Sir, I have been denounced in this House by the hon. and learned Member for Dublin, as the traducer and calumniator of my country, because, on former occasions, I have dared to speak the truth as to its government. Sir, I deny the imputation. I regard with affection, and I speak with pride, because I can speak with truth, of that portion of Ireland which gave me birth, and with which all who are near and dear to me in that country are connected. So far from being the vilifier of my country, I point with honest triumph to such testimonies as that which I hold in my hand, and which, borne out as it is by the highest functionaries of the land, affords indisputable evidence of the blessings that have flowed from industry, morality, and peace, throughout the north of Ireland; whilst it presents a melancholy contrast to the misery, the vice, and the anarchy, which have been the never-failing results of idleness and agitation in the south. The document from which I beg to offer to the House a single extract, is the charge of Baron Pennefather to the grand jury of the county of Londonderry, at the assizes which have just terminated:—

"Gentlemen," says his Lordship, "I assure you it affords me much satisfaction to be enabled to congratulate you on the peaceful state of your county, not only as exhibited in the calendar, but from inquiries that I have made on the subject. It affords a picture of tranquillity and social order that must be highly gratifying to you, and redounds to the credit of the population at large. Gentlemen, I feel pleasure in being able to add, that in the northern counties of this province through which we have passed, there has not only been no trial for homicide, but not even a charge of the crime has appeared in the calendars. This is a picture on which I may be permitted to congratulate you, and I trust that such pleasing indications of a regard to the laws will long continue to distinguish these counties."

This description is, I will grant it, applied to a community for whom political Polemics may have fewer charms than for the more enlightened, but not more happily situated, philosophers and statesmen of Munster and the west of Ireland. It is possible that amongst the people of whom Baron Pennefather speaks, the science of government, and the principles of civil liberty may be less clearly understood, as they are certainly less frequently discussed, than amongst the Precursors of the Corn-exchange, and the Patriots of Tipperary. But, notwithstanding this, his Lordship's testimony does afford a satisfactory evidence that the social happiness and domestic advancement of a community may be promoted without political excitement, and that there is no necessary co-existence or connexion between public prosperity and political agitation. Whilst her Majesty's Government, with their anodyne recipes of ecclesiastical appropriation, and their brisk specifics of Corporation Reform, have been vainly essaying to apply a remedy to the idleness and poverty, the turbulence and outrages of the south, Ulster, by her industry and her intelligence, by good sense and her abstinence from political turmoil, has been quietly but successfully achieving her own elevation to prosperity and wealth, affording an unanswerable rebuke to the empyricism of those who, on every occasion, fly to political prescriptions for every social derangement, and exhibiting an abundant illustration of the truth of the aphorism of Goldsmith—

'How small, of all that human hearts endure,
The part, which kings or laws can cause or cure!'

Sir, if I have trespassed further on the indulgence of the House than in moderation I was entitled to do, I trust my deep personal concern in the question itself will plead my best, as it is my only apology. I can see no one department of the policy of the Irish Government on the grounds of which I can tender my confidence in answer to the call of her Majesty's Ministers; but in each and in all I can trace the never-failing effects of mistaken theories, of delusive views, and of false and dangerous principles of government.

Mr. *Smith O'Brien* said, the hon. Member for Belfast inculpated the Government of Lord Normanby, and accused his Administration as being a mockery of justice, so far as regarded the trial of offenders, in the face of the official returns granted only the night before in that House. But the hon. Member also had the misfortune to differ from the right hon. Baronet, whose amendment the hon. Member meant to support. The right hon. Baronet, both in his speech and in his amendment, disclaimed any censure, whereas the whole tone of the speech the House had just heard went directly to cast a censure on the Government. The hon. Baronet said, he should not consider his amendment a vote of censure. Now he should, and so would the country; and the people of Ireland ought to be much obliged to the noble Lord for calling upon the House to declare, that the general spirit of the policy of the Administration, and of the Executive Government in Ireland, was satisfactory to them. It was necessary to do so, in order to secure future Governments from being intimidated by adverse majorities in the House of Lords, or charges and insinuations in this House. He wished it to be distinctly understood, that he confined himself only to the period since 1835—that being the duration of the Marquess of Normanby's Government. He would remind the House that as they were already aware the number of convictions had increased in proportion to the offences, that Catholics had been raised to the bench, that many able assistant barristers of the same creed had been appointed, that many appointments of Catholics in the constabulary had been made, and that also a greater spirit of liberality, and indeed of equality, had been manifested in the offices and appointments in municipal corporations during the Administration of the noble Lord. No complaint could be alleged against these appointments. There could be no charge made against the noble Lord for not directly discountenancing the Precursor Society and the General Association, no more than there could be against former Administrations in respect to the Catholic Association. He would assert, that the Marquess of Normanby had given as much assistance to the collectors of tithe as any former Lord-lieutenant. The noble Lord was also entitled to the credit of having almost suppressed the barbarous custom of faction fighting in Ireland. It was a fact, that fights of this description used formerly to be looked upon by hon. Gentlemen of the opposite party as mere scenes in which the boys were amusing themselves—or as proofs of the peace of the country. The Government of the noble Lord could not fairly be tarnished on account of the murder of Lord Norbury, however painful that might be. It was a fact, that many of those gentlemen who brought forward charges of crime against Ireland lived in that country themselves, without danger, and traversed their neighbourhoods without suffering the slightest injury in person or property. It would, indeed, be as just to infer, that England was in a state of general atrocity, from a perusal of the Newgate Calendar, as to infer that Ireland was distracted by crimes, from the melancholy specimens they had heard of, and the exaggerated charges that had been made. He would say, in justice to his countrymen, that when they were kindly treated there was not a more grateful or attached people on the face of the earth. Certainly they suffered from various oppressions. The manner in which high rents were exacted, and ejectments enforced was particularly exasperating. Many wretched people were annually expelled from their holdings, and then having no place to go to, and no means to subsist on, they lived for a while upon the charity of their neighbours, and erected huts by the ditch side, where they in many cases soon perished by fever or famine. He was sorry to learn that Lord Lorton had ejected a large number of tenants from one of his estates in Longford, because they would not (perhaps because they could not) give evidence respecting a murder that had occurred in their vicinity. Lord Lorton, according to an Irish newspaper (which he held in his hand) had expelled forty-five families from his estate, and exposed them to destitution. The noble Lord had called in the assistance of the military to effect this expulsion; true he had, as he stated, given them compensation, but this only with a view to induce a belief that they had left by their own voluntary act. In the short space of a few hours two hundred and twenty persons, among whom were cripples, the dumb, the blind, widows, and orphans, were cast upon the world without a house or a home. Among these there was not a single Protestant, but 462 Roman Catholics had been ejected from Lord Lorton's estate, on religious and political grounds.—[Cries of "*No, no,*"]—He would ask any hon. Friend of Lord Lorton whether that was the case or not; and he would say that evidence tantamount to that had been given before "the Fictitious Votes Committee."—And it had also been stated in a newspaper, by a gentleman who signed his name "Agricola," and gave his place of residence, and who was ready to come forward to substantiate these facts. Did not such a state of things demand attention? Emigration had been suggested as a remedy for these evils, but would it remedy them? Furnishing the people with employment was another remedy, but when it was proposed to establish railroads in Ireland, they were told it was a Government job—because the line went from the counties of Cork, Limerick, and Dublin, where the population were in poverty and distress, because it did not go to Enniskillen and Armagh. It was ungenerous in hon. Gentlemen opposite, to say that employment was necessary to their well-being, and then to smother the scheme for affording them employment. Education would doubtless remedy these evils, but that had been treated as a party question, and they refused to educate the people on the only terms on which they would be educated. They say they will not give them education except on the terms of making them converts, and they refused them that education which would raise them in the social scale, and improve their condition. It was unwise to deny to Ireland an equal participation in political privileges. The party opposite had gone so far as to calumniate the Catholic clergy, by representing them as inciters to crime; if it were not for the Catholic clergy, crime would increase tenfold in Ireland. The Catholic clergy, however, had leagued themselves as one man in opposition to the House of Lords—that was the offence they had committed. They had taken influence ou of the hands of the gentry of Ireland, because that influence had been used in opposition to the interests of the country; and they were denounced because they would not concur in the return of certain Members to that House. Was it politic to make enemies of 3,000 of the most influential individuals in Ireland? In Scotland the clergy of the majority were recognised, in Ireland they were insulted. Their support of the present Government showed how easily they might be won by kindness. The time was now come to decide whether the people of Ireland would be admitted to a perfect union, or whether there should be no union at all. And at this momentous crisis, when America, Russia, the Colonies, when 3,000,000 Chartists—at all events, a very numerous body, regarded it with distrust, it was next to madness to exasperate a people grateful for the smallest kindness. He beseeched those who approved of the Government policy in Ireland, however they might differ from them on other questions, to support them on this motion.

Colonel *Perceval* said, that it had seldom fallen to his lot to hear such exaggerated statements as those which had been made with reference to Lord Lorton, by the hon. Member who had just addressed the House. He had had the pleasure of knowing that noble Lord long, and he could say of him with perfect truth, that for good-nature and kind-heartedness, for a benevolent regard to the wants and to the interests of his tenants, Lord Lorton had, during a long life, as a resident landlord in Ireland, set an example which would be well worthy of imitation in this or any other country. As a benefactor to his tenants, and in all the relations of private life, that noble Lord had no superior; and he owned that it was with much surprise he had heard the hon. Member who had last addressed the House send forth such calumnies on the authority of a person signing himself "Agricola," in a newspaper known to be opposed to the politics of the noble Lord. What were the simple facts of the case which had been so grossly exaggerated? Some time ago Lord Lorton had succeeded to an estate in the county of Longford, and on examining into its condition he found that the land had been so subdivided, that many of the tenants of small parcels of land had not enough for their support, and some of them were almost in a state of starvation. For the sake of the people themselves it became necessary that some of them should be removed, but this removal was made without any distinction as to whether they were Protestants or Catholics. To those who were removed grants of money were made, to none less than five guineas, and to some as much as twenty-five guineas, in order to enable them to settle elsewhere, and this was in addition to a remission of arrears of rent, in some cases of one, two, and three years. This he knew to be neither beyond nor less than the truth. It was suggested to Lord Lorton that he might improve his estate by the cultivation of flax. [*Laughter.*] The hon. and learned Member (Mr. O'Connell) laughed, though he had yesterday denounced a laugh from the Opposition side, as a piece of brutality. He, however, would not use the language of the hon. and learned Member; but he hoped not to be interrupted by him.

Mr. *L. White* said, he laughed, but not at the hon. Member. He had laughed at the mention of the cultivation of the flax, which was a mere pretence.

Colonel *Perceval* had not alluded to the hon. Member, who he was sure would not interrupt him willingly. He repeated that the cultivation of flax was resorted to as a means of improving the estate; and a man and his wife were brought from the county of Down to superintend its cultivation. That man was murdered, as was another who was brought to supply his place. They were Protestants. All efforts to discover the murderers proved unavailing, and his noble Friend did what any other man in his circumstances would have done. He exercised his right of property, and had many of the tenants removed from his estate by civil process, executed by the sheriff of the county, accompanied by a military force. He then took down forty-five houses, but not until he had provided lodgings in a neighbouring village for the women and children who had inhabited those houses. What was there, he would ask, in this conduct, which should warrant the hon. Member (Mr. S. O'Brien) to brand it on the authority of an anonymous writer, with terms which he would not repeat? Would any English landlord have acted thus; and if he had found it necessary to eject some of his tenants, would he have given them up their rent, found them lodging and furniture, besides giving them money?

Mr. *S. O. Brien:* I am perfectly willing to take the facts as the hon. and gallant Member states them.

Colonel *Perceval* continued. Yes; he knew the facts to be true, for he had seen them so stated under the hand of the noble Lord; and he regretted the absence of a right hon. Friend, who had in his possession the documents that would prove the correctness of what he said. He would not, however, advert further to the case of Lord Lorton, but would turn to the conduct of Her Majesty's Government in Ireland. On a former occasion, when this subject was discussed, he had heard the noble Lord, the Chief Secretary for Ireland, justify the deplorable state of the country. The noble Lord had admitted the fact, but justified it by saying that it was in as bad a condition when Lord Normanby undertook the Government, and named certain counties that were in a very disturbed state at that time. But amongst those counties he thought the noble Lord did not name the one in which he (Colonel Perceval) resided, namely, the county of Sligo, and he would say, that when Lord Normanby succeeded to the Administration that county was in a state of tranquillity surpassed by no other in either Ireland or England. There were no disturbances, no murders, no outrages, but it was as free from crime as any part of the empire. What was its condition now? How did it originate? Why, the very first step of Lord Normanby's Government caused the commencement of what since had taken place. He saw the cavalcade of Lord Normanby's entrance into Dublin, and it was such as, in his opinion was most unbecoming in one about to fill so high an office as that of viceroy of Ireland. It might be said that it was only displeasing to Orangemen, but to this he would reply, that from the time the act passed for the abolition of Orange societies, there had never been a single demonstration of that party spirit in Sligo. But what were his feelings when he saw Lord Normanby attended by a *cortège* carrying banners with the same mottoes as were borne by the rebels in 1798? [*"No, no."*] He stated only what he had seen, and hon. Gentlemen might deny it if they could. He took down the names and the mottoes of the banners as the procession passed, one of them being emblazoned with an Irish harp without a crown, the same as was carried by the rebels in 1798. It was indeed a party procession headed by Lord Normanby, and consisting of men distinguished for their agitating propensities, some indeed having been just let loose from Newgate. This was in 1835, and in August of the following year the noble Lord thought it his duty to make a tour through certain districts of Ireland, and amongst others the county of Sligo. That county was at that time perfectly tranquil, but on the noble Lord's visitation, he was attended every where by crowds of persons—he might say by as many as 10,000—and preceded by banners, the same as on his entry into Dublin. He was received by all the Roman Catholic priests, by all the agitators, and by all the Liberals, as they were called, in the county, but by very few of the possessors of the soil, of the landed gentry of that district. On that occasion commenced the excitement that has been evinced in Sligo, and more particularly against him as one of its representatives. Something had been said in that House at the close of the previous session about getting rid of him from the representation of Sligo, and with that view was the system of agitation begun. In the January following the hon. and learned Member for Dublin paid the county a visit to promote that object, and at a dinner which was given to him, and to which about 300 sat down, he was treated with the same kind of language as was avowed by the hon. and learned Member to have been recently used by him towards Lord Oxmantown. The consequences were then that the Roman Catholic priests forthwith reiterated in their chapels the terms in which he had been denounced by the hon. and learned Member, with the view of excluding him from the representation of Sligo. And yet, notwithstanding this, the hon. and learned Member defied the Opposition side of the House to furnish a single instance of a Roman Catholic priest interfering in this manner. He would ask the noble Secretary for Ireland, what were the circumstances that attended the investigation of Edward Coghlan's murder at Ballynamuck? [The hon. Member read a long extract from the depositions that were taken on that occasion, by which it appeared that at the chapel on the Sunday after the election Edward Coghlan and his brother, John Coghlan, both of whom were Roman Catholics, were denounced in violent language by the priest, as being the only persons in the parish who had sacrificed their country to their enemies, and that soon afterwards Edward Coghlan was murdered.] In ordinary cases and with ordinary individuals such statements would have been sufficient to make the executive Government more vigorous in the administration of the law than had been the case in Ireland. There was not a chapel in his own county, except one, in which he had not often been denounced, and to such a condition had that part of Ireland been brought by agitation, that he could not dine from his own home at a friend's House without staying there all night. He mentioned this merely to show how much the residents of Sligo were indebted to the Government of Lord Normanby; and if he looked to the conduct of the Government towards them in other respects, they had still less reason to be grateful. He might refer, too, to the conspiracy against Mr. Simm, in consequence of which that gentleman, after having been obliged to pay to a Mr. Kenny (from whom, as we undersood, he had purchased an estate in Sligo,) 500*l.* in addition to the original purchase-money of 5,000 guineas, had been compelled to abandon the estate, which was immediatety taken possession of again by Mr. Kenny. Under these circumstances he felt it his duty to protest strongly and decidedly against the vote now demanded by the Government.

Mr. *Lascelles* wished to state the reasons shortly why he had come to the determination of voting in favour of the amendment proposed by the right hon. Baronet, the Member for Tamworth. He must, however, be permitted, first of all, to express his surprise that the hon. and gallant Member should, after the speech he had just delivered, feel it his duty to vote for that amendment. He reverted with pleasure to the speech made by the right hon. Baronet last night, for in that speech there was no statement attributing the crime in Ireland to the existing Government. The right hon. Gentleman had certainly lamented the deplorable state of society which existed in Ireland, and he could not help coming to the conclusion, from all the statements he had heard respecting crime in Ireland, that it was the duty at least of those who were not mixed up and in immediate contact with the conflicting parties in Ireland, to do their utmost to allay the unhappy irritation there prevailing, and cordially to co-operate in the measures brought forward by the Government for improving the condition of the country. In the present debate topics not necessarily involved in it had been introduced, connected with the general government of Ireland. An attempt had been made by some parties to trace the origin of the existing state of things in Ireland to the alteration of the law by which Catholic emancipation was conceded. He had supported that change, and if he were asked whether he repented of the step he then took, or attributed any of the evils which afflicted Ireland to that measure, he would unhesitatingly reply that he did not in the slightest degree. However, he was far from saying that the expectations he had formed at the passing of the Catholic Relief Bill had not been in some degree disappointed. Part of the Catholic Relief Bill was, as he really believed, an act based in essential justice; the propriety of its adoption could not be made to depend on the subsequent conduct of any individuals, and he therefore did not regret having given his sanction to it. But the question was asked, "Are you not afraid of the power acquired since the passing of the act by the Roman Catholics?" To that he replied that the meaning and intention of the act was to destroy all distinction between Catholic and Protestant; to open the door of office and political consequence to persons of all denominations; and if, since the passing of the act, a greater number of Roman Catholics had obtained office, such a result was only what had been intended. But how was any additional power which the Roman Catholics had acquired to be attributed to the Catholic Relief Bill? It was true that the hon. and learned Member for Dublin had a seat in that House; but if he were not a member of the Legislature, would he not still exercise the same influence out of the House; and would that have been a desirable state of things? He trusted that into whatever hands the administration might fall, the principles upon which the Catholic Relief Bill was founded would be carried out in Ireland with impartiality. This brought him to the consideration of the question immediately before the House,—viz., the administration of the Irish Government by Lord Normanby. He thought that the existence of those crimes, the lamentable details of which had been communicated to the House, was unjustly imputed to the Government of that noble Lord. At the same time, he must hesitate before he joined in a vote of confidence demanded by the Government. There was a wide difference between withholding a vote of confidence and passing a vote of censure. He for one would not join in any vote of censure; but he thought it a most unusual proceeding for the Government to ask for a vote of approbation with respect to a part only of their policy. For this reason he objected to the motion of the noble Lord opposite, and he regretted that the Ministers had now, without any adequate cause whatever, thought proper to appeal to angry and irritated feelings. It was said that a vote of censure had been come to by the other House, and he admitted that to a certain extent the motion carried in the House of Lords was a vote of censure. Nevertheless, considering the course which had been taken of late years by the great leaders of the Conservative party in Parliament, considering the determination they had shown not to embarrass the Government, he was surprised that the Ministers should have seized the first occasion of an implied censure upon their administration to appeal to passions which it was rather their duty to allay. Regarding as he did the amendment moved by the right hon. Baronet as partaking of the nature of the previous question, he should give it his support. It was said that a crisis existed; but the House had of late become so accustomed to a crisis, that that statement was not calculated to create a great sensation. If, however, the Government did feel the present state of affairs to be a crisis, it had not been brought on by the Conservatives, but by themselves. It had not been the policy of the Conservatives to disturb the Government. With regard to himself, he might refer to all the votes he had given during the present Session up to Easter; and it had not yet been his misfortune to vote against the noble Lord opposite. He was aware that a portion of that House fancied that the support of the Conservatives was more injurious to the Government than their opposition. This was not, however, the fault of the Conservatives. They performed their duty, and gave, whenever they conscientiously could, their support to the Government.

Mr. *Bellew:* Sir, as an Irish Member, to whose country the present motion is of vital importance, embracing as it does in its results not only its government of latter years, but its destiny for the future, and feeling moreover, that while in this House the present debate may be only regarded as one of the ordinary trials of party strength, that in Ireland its consequences will be felt in many a year of happiness or woe to millions of its inhabitants, I trust I shall receive the indulgence of Gentlemen for the short time I shall trespass upon their patience. The attacks upon the government of Lord Normanby have been of such frequent occurrence, that they have been long since deprived of all the interest of novelty. It may, however, afford that noble Lord some consolation to know, that the same men who disparage his government declared his predecessor, the Marquess of Wellesley, to be a man who had neither experience nor ability. It will at the same time afford the public some clue to judge of the value to be attached to the opinions of such persons. One of the most constant topics of attack against Lord Normanby has been his neglect of the interests of the Protestant Church, and his promotion of Catholics to all places of station and trust. Now, with regard to the former charge, it was so totally unfounded that when it came to be discussed, Gentlemen of all sides of the House bore testimony to the admirable manner in which Church patronage had been distributed. Perhaps I may here be allowed to observe that this charge of hostility to the Church seems to be of a very vague nature, and subject to a great variety of interpretations. There was, for example, a petition presented before the recess from the corporation of Dublin, which stated, that destroying the present Irish Corporations, and substituting others of a popular character in their place, would have the effect of seriously injuring the Protestant Church, so that, in the opinion of that very loyal body, a vast majority of this House were pursuing a course as fatal to that establishment as Gentlemen opposite asserted the conduct of Lord Normanby to be.—With regard to the promotion of Catholics, what is the case? Take the law, in which profession there is a greater number of Catholics than any other. There is, it seems, 120,000*l.* a-year in patronage in that department. Of that the Catholics possess 20,000*l.*, no very unreasonable proportion. Take, then, the police, which was quoted in a former debate, as one of the proofs of the impartiality of the government. Of the five principal officers there is, as far as I am informed, only one Catholic. There are thirty-four sub-inspectors of counties—there are, I believe, six Catholics. There are 250 chief constables, and about fifty Catholics. With regard to the common men, I can only say, that in my own county, where the population are twenty to one Catholics, of the police, four to one are Protestants. But while Gentlemen complain of the appointments that have been made, I have not heard of a single instance where it is alleged that the persons so appointed have not sufficiently discharged their duty, that, after all, is the only part of the matter which concerns the public. Sir, I am not going to weary the House by expatiating on the catalogue of crime which has been laid to the charge of the Irish people, or rather to the Irish Government, and which is the remote cause of the present debate, further than to observe, that gentlemen opposite, on their own showing, are only entitled to credit for the excess of crime of the present moment over that of Tory times, though in all the calculations and statements with which they have favoured the House, all comparison with former years, the real point in dispute, is kept out of consideration. Sir, Irish crime has its origin in causes which no Government can at once cure, though it may frightfully aggravate them; the great and wide-spreading, the universal evil, is the peculiar situation of landed property in that country, and the unexampled increase of the population, amounting in some counties to one in four and one in five in the course of ten years, without any corresponding increase of constant or remunerative industry. The transition from the state of cottier tenants to that of labourers, now in progress, and which will eventually be, no doubt, of great advantage, is in itself enough to account for ten times the amount of crime that has been so ostentatiously paraded in the late debates. When it is recollected that this system of clearance of estates is carried on in many instances with great harshness on the part of the landlord, restrained hitherto by no pecuniary penalty in the shape of a poor-law, I do say that it is most unjust to make the present Government responsible for crimes of which some of the individuals who make those charges are the real instigators, notwithstanding the excellent character as landlords given them by some hon. Members in this House. If Ireland has always been a drag upon this country; if she has been a source of weakness rather than of strength, an angry foe instead of an attached friend, she has been what circumstances have made her. Nine-tenths of the whole property of the kingdom was confiscated under Cromwell and William, and given to strangers who looked to this country, and not to the country of their adoption for support. In England the Protestant cause has always been identified with civil liberty—in Ireland with oppression. In England there has been an influential landed proprietary—in Ireland that class have been alienated from the great bulk of the people. The new settlers carried with them neither attachments, sympathies, social ties, or hereditary influence. They were anti-national in all their feelings; and the want of sympathy between the higher and lower classes, arising out of this original cause, aggravated by religious animosity and the policy of the laws, has unfortunately continued to the present day. In Lord Durham's Report on the state of Canada, there is a passage, which, I think, very forcibly represents the feelings of the Irish portion of Gentlemen opposite. Speaking of the English party, and the House of Assembly, he observes, "Every measure of clemency, or even justice towards their opponents, they regard with jealousy, as indicating a disposition towards that conciliatory policy which is the subject of their angry recollection, for they feel that being a minority, any return to the due course of constitutional Government must reduce their relative importance in the country." And this really is the spirit in which from first to last all the complaints of the state of Ireland are conceived. We have gained ascendancy, and we will keep it, was the exclamation of one of the speakers at a late Tory meeting in Dublin; and does not the experience of every day prove the sincerity of the declaration? It is proposed that householders of a certain property in towns in Ireland shall have the right of voting for municipal offices; but it turns out that a large proportion are Catholics, and this, in the minority view of the case, becomes a serious grievance: a reduction is proposed in the amount of the revenues of the Church. It is not denied by many that it would be expedient, if that reduction went still further. It is not denied that the pay and the duty are somewhat disproportioned; but then it is argued, if you do not give these bounties (for they are nothing else) to bolster up the cause of the minority, we can never hold our ground. The same was the argument on the Reform Bill: the objection in Ireland to that measure was not so much that the respectable inhabitants of a town should have the right of returning a Member to this House instead of some noble Lord; but that those respectable inhabitants were in many instances Catholics, and therefore this would reduce another of the bounties belonging to the party of the minority. The hostility existing between the Government when in the hands of Gentlemen opposite, and the Irish people is aptly illustrated by the Legislative Council and the Assembly in Lower Canada. Ireland, like Canada, had been governed by and for the advantage of comparatively a small party, or rather a bureaucracy; to use the words of Lord Durham, "fortified by family connections and the common interest felt by all who held and all who desired subordinate offices, that party was erected into a solid and permanent power, controlled by little responsibility, subject to no serious change, exercising over the whole Government of the province an authority in a great degree independent of the people." Sir, this literally was the case previous to 1829, in Ireland; for though a majority of Irish Members, almost the same as the number that support the present administration, voted always for emancipation, still, as regarded the general policy of Government, they were amongst its most regular supporters, and no part of that policy was better understood or more uniformly acted upon than that the power and patronage of the executive should be exercised exclusively for the advantage and through the hands of the minority. The present Government, on coming into office, put an end to this state of things. They found the results produced by a century and a half of misrule—they found that the power of the ascendancy party had trampled under foot every other. They sought to give confidence to the weak in the administration of justice, and to curb the strong in the exercise of it. Their legislative projects have been dictated by a desire to nationalize the laws and establishments of Ireland, and to connect it with the rest of the empire by the fast bond of equal benefits and kindred institutions. If they have not been able to carry many of their measures into effect—if those measures have sometimes been defeated, sometimes mutilated, always embarrassed and delayed—the fault rests not with the Government, but their opponents. The popularity of the Government of Lord Normanby appears, in the eyes of some Gentlemen, to be a crime; and yet a little Irish popularity would, I fancy, be a most agreeable addition at the present moment to the power of the right hon. Baronet, the Member for Tamworth. If that right hon. Baronet's Amendment should be carried, the result will be to establish in fact, in Ireland, that ascendancy which has been done away with by law. The Emancipation Act, it is now evident, was passed in bad faith. Advantages and honours, on an equality with the rest of their fellow-citizens were never meant to be bestowed upon the Catholics: the attacks that have been made upon the promotion of such men as Sir Michael O'Loughlin, Chief Baron Woulfe, and others, demonstrate with what fidelity to the spirit of the Emancipation Act the Tories are prepared to administer Irish affairs. But it was found impracticable to govern Ireland on the principle of excluding the Catholics when exclusion was the genius of the law, and to suppose that the Irish people who ten years ago were able to achieve political and religious liberty, will quietly submit to be deprived of its advantages, and be again plunged into the horrors of a system from which they have just emerged, is altogether absurd. By your opposition to the present motion, you admit that you would not in office promote a single Roman Catholic; you must therefore carry on your government in Ireland by the agency of a small minority, and by an unqualified submission to the Orange party, one of whose principal leaders, a noble Lord, had, within the last month, declared that there can be no security for Ireland—no hopes for its prosperity, until the Catholic clergy are put down. But that noble Lord is looked upon by the right hon. Baronet opposite as a fit person for office, as when last in power he offered him an important situation. But what was the language of the right hon. Baronet himself, on introducing the Emancipation Bill, when it was urged by his opponents that the opinion of the country ought to be taken on the measure. It was as follows:—"That a dissolution of Parliament must leave the Catholic Association and the elective franchise as they were, for the common law was inadequate to suppress them. Whatever might be the majority returned from Great Britain, Ireland would return seventy or eighty Members in the interest of the association, forming a compact and united band, against which it would be impossible to carry on the local Government of the country." Now, Sir, these statements apply with infinitely increased force, as it appears to me, at the present time. The Orange party in Ireland are notoriously growing weaker. They have been hitherto kept up by Government patronage, and the exclusive possession of political power, and, five years of fair play and common justice have served to show how much their wealth and influence were overrated. Possessing a considerable preponderance of the fee simple of the country, they are not able to wield the municipal political power. The Protestants of the Established Church, the only class from whom a Tory Government could at present expect support, are not, be it recollected, the largest religious bodies in even the Protestant province of Ulster, and from emigration and other causes, their numbers are on the decline. It appears from official returns, that in 1766 the Protestants were one-third, in 1822 one-seventh, in 1834 one-tenth of the entire population; and when this number is still further diminished by the large and influential body of liberal Protestants who support the present Government, the difficulties that beset the hon. Baronet, the Member for Tamworth, on coming into office in Ireland, are fearfully increased. I ask, then, can any English Member contemplate the state of society at present existing in Ireland, and the relations between landlord and tenant, as exhibited in cases with which this House is familiar—such as those of Lord Lorton and Mr. Bruen—and not tremble at the results?—when the antipathies of the proprietors of the soil to the great mass of the population shall be backed by the active hostility of the Government—above all, can those Members who have at all times professed the warmest admiration for, at least the Irish portion, justify to themselves, abandoning that administration, and the Irish people, for they will be involved in one common ruin if the present amendment be carried? I would implore of those hon. Members who exclaim, that there is no difference between Whigs and Tories to recollect, as was well said upon a somewhat similar occasion, that the difference was as large as a third of the empire—that the interval was wide enough to hold the peace and welfare of seven millions of her Majesty's subjects; and as they value the progress of improvement, the permanent good of the great mass of the Irish people, the interests of the public peace, and the eventual security of property in that country, not to abandon her upon the present occasion.

Viscount *Powerscourt* said, that unwilling as he was to trespass upon the time of the House, he felt himself imperatively called upon not to give a silent vote upon that occasion. He most sincerely rejoiced that a serious discussion of that subject had at length been forced upon her Majesty's Ministers in that House, in consequence of what had taken place with regard to it in the other House of Parliament. And he felt this the more strongly, as he considered that the subject of the Government of Ireland, whenever it had come under discussion, had been hitherto treated in a manner altogether unworthy of its importance. He had heard it observed by a noble Lord in another place, when defending himself against an attack in connexion with this subject, that the accusations brought against the Government upon examination generally resolved themselves into petty details and single instances, and he thought that that observation contained in it much that was true and well-founded. It was, no doubt, a good thing to enter into details, and to bring strong facts before the attention of the public, but there was something wanting besides that—there was wanting an inquiry whether those facts were isolated cases, or whether they were only instances of a general course of action. The defence set up by the Irish Government when any flagrant case was brought before either House of Parliament, was commonly a more or less candid confession of the fact, which was too stubborn to be refuted, accompanied by very penitent, but altogether useless, regrets, that such an occurrence had taken place, whatever it might be, as if want of judgment were a valid and sound excuse for the grossest misgovernment. Want of judgment in trivial matters was bad enough, but in small matters, and in private affairs the effects of it fell most heavily upon the individuals themselves, and did not affect others materially. But in public affairs, a constant and habitual want of judgment such as that of which her Majesty's late advisers in Ireland had been accused, and in his opinion, justly accused, became more than a mere misfortune to the parties themselves, it became the bane and destruction of the country which had the misfortune to be influenced by its exercise. He would not condescend to notice single instances. He would not attempt to bring before the attention of the House, any one of the thousand atrocities with which every newspaper was filled. He thought that was an unworthy manner of treating a subject of such grave import. He thought, that House was no fit place for such details, since it not being in one's power to tell all, such particularizing only weakened the case which was otherwise invincible. He rejoiced, therefore, that a Committee of Inquiry had been appointed to investigate leisurely and fully, a matter which involved not only the prosperity of Ireland, but of the whole empire, in the only way in which a subject of such deep importance could be done justice to. In these days of minute investigation and personal responsibility, such a Committee was no more than the country were fairly entitled to; without that, people might wrangle, and lay down their own individual opinions as often and as forcibly as they pleased; they could never prove the charges which they might bring, however their truth might be admitted by the commonest report, with sufficient weight of evidence to produce conviction, not because they were not true, but because they did not possess the means of proof. Any case which they might procure to back up their assertions, was the result of accidental circumstances, and the great mass of parallel cases which would prove habitual mismanagement were buried in the oblivion of official secrecy, and could not be got at by the public by any means. Hon. Gentlemen opposite, stated that the descriptions of the miserable and persecuted state to which the

Protestant population of Ireland were reduced by the course of Government pursued of late years by her Majesty's advisers in that country were not true. He answered, that they should give the means of proof; they should give the means of ascertaining who was right and who was wrong by a parliamentary investigation. It was asserted, that the late Lord-lieutenant of Ireland, in a progress which he thought fit to make through the country, to make a full essay of royal state, and to show to the subject multitude how well he could assume and become the regal dignity, took that opportunity, as he passed through various assize towns in his course, to let out many prisoners from gaol. He presumed it was meant as a sort of revival of the good old custom which prevailed in old times, that when a monarch made a progress he declared an amnesty to all prisoners and malefactors in his route. He would not attempt to name places, or to state the names or numbers of the persons who thus partook of the noble Lord's clemency. These particulars, however, were easily obtained, and the facts themselves had never been denied. But even supposing, which was difficult, that such acts were proper and justifiable in themselves, he put it to the House whether it were not a gross misapplication of the prerogative to do it at all in the way in which it was done, as it were by wholesale, and in a way which, whether it was meant so or not, certainly had the effect of assisting to a great extent the personal consequence of the noble dispenser of life. At any rate, that was not the idea that was entertained of the quality of mercy by the greatest moralist and truest observer of a by-gone age. He had laid it down as a rule by which mercy was to be judged of, that it spread itself softly and imperceptibly, and, to use his own words, that it "droppeth as the gentle dew from heaven upon the place beneath." But it appeared, that the noble Lord, the late Lord-lieutenant of Ireland, had quite a different idea of the matter. Under his directing hand, instead of being like the reviving dew working an unremarked, but effectual refreshment to the parched soil, it was poured upon the land with the destructive force and multiplicity of the hailstorm, blasting vegetation, and striking down the ripening crops, that were exposed to its devastating fury. He did not mean to doubt, that it might be a grateful recollection to that noble Lord, having now laid aside his regal pomp and state, and returned to the more placid and less showy employment of a private citizen, to think that he had been the means of saving many felons from the gallows, and restoring many thieves and house-breakers to their country, which would otherwise have been deprived of their valuable services; of sending back many whom the law had sentenced to restraint for their crimes to the bosom of their expectant families; of affording to the murderer in many instances time to repent of his errors, and opportunity to commence a new life, the exact opposite of that which up to the time of his pardon he had been accustomed to lead. To a man of a humane and beneficent disposition, who feels his bosom dilate with conscious pride when he hears a crowd of eager tongues suddenly cease on his approach from intemperate ribaldry and profane jesting, to join in the simultaneous shout of "God bless him, the man after our own hearts," who feels his heart throb with honest exultation when he sees the thousand hands of the multitude lifted up from their legitimate occupations, however dirty and grovelling those occupations may be, to wave him a ghastly and reluctant adieu, as he takes his last farewell of the homes to which, perhaps, he has not long since transferred the greater part of them from the melancholy broodings of the dungeon and the condemned cell—to such a man, reflections such as these must indeed be sweet, and soothing, and consolatory. But what a change the feelings of that same man must undergo, if he has any feeling of right and wrong, when he hears that these very persons whom he has rescued from the grasp of justice, instead of being improved by the process, have only returned, as the sow that was washed, to their wallowing in the mire—that the felons who were by his means again let loose upon society have only made use of their liberty to commit new breaches of the law—that, in restoring certain persons to their family and hearth, they had only returned to become the scourge of the neighbourhood in which they dwelt,—in short, that in saving from punishment each guilty man, he had neglected to consider that what was due to mercy should not be taken from justice, and, that by thus, as it were, robbing Peter to pay Paul, he had contributed to the serious increase of crime, and, perhaps, to the murder of many innocent and unoffending individuals. It was a terrible and an awful thought, but it was one, that those who exercised indiscreetly this prerogative of mercy, if they were not altogether blinded by self-confidence, must too surely and too strongly apply to themselves, that every murder, every robbery, every outrage upon property, every breach of the law, however grave, or however insignificant, which could be traced directly or indirectly to the releasing of a criminal once legally convicted, was upon his head who authorized the commutation of that man's punishment. He might call it want of discretion, he might call it unsound judgment, he might call it carelessness, he might call it kindness of heart, he might give it any other soft and delusive epithet which might strike pleasantly upon the ear, and lull the restless upbraidings of conscience, but the deep responsibility remained. The effects of such ill-judged rashness was irremediable. It showed itself not only in an increased audacity in those who had individually profited by such false clemency, but also in a general disrespect and contempt for the law, the extent of which mischief it was difficult to define, and which it was as hard to restore to its former standard as it had been easy in the first instance to break down and uproot. So much for the prerogative of mercy, which had been so grossly abused by the administrators of the government in Ireland of late years as to become a by-word. It still remained for him to notice one other assertion, that was generally made with much noise and much clamour by the supporters of that government — he meant the assertion, that their method of rule had increased the tranquillity, or rather he should say diminished disturbances in that country. He asked, how was this assertion to be proved? or rather how did they attempt to prove it? Did they prove, that there had been less crime committed? did they prove that there had been fewer murders, fewer malicious burnings, fewer robberies, fewer assaults? No they did not attempt to do any such thing. They came down to this House with long statistical statements referring to times when rebellion was rife in Ireland, and they attempted to prove from them that matters are not worse now than they were then. They assert, forsooth, that there have been fewer convictions, fewer committals, fewer apprehensions; they quote the charges of judges congratulating juries upon the lightness of the calendar. In doing this, they plume and pride and glorify themselves upon the very things on which they ought to weep, and mourn and lament the most. This very circumstance was the very worst and most astounding feature in the whole case—that while outrage of every sort increases, punishment diminishes—that in proportion as the increase of crime is alarming, in the same proportion is the chance of impunity augmented. When the proud boast of these men is analyzed, it is neither more nor less than this—that there were more men murdered than there ever were, but at the same time there was a more serious and insurmountable difficulty, in bringing the authors of those outrages to justice. He must say, that for his part, under these circumstances, he for one, could not see why that House was to be called upon to give a vote of approval of the present Government. He thanked the House most sincerely for having listened to him with so much indulgence, and begged to say he should feel much pleasure in voting for the amendment of the right hon. Baronet.

Mr. *D. O'Conor* would detain the House for only a few moments. He felt bound to vote against the amendment of the right hon. Baronet opposite, and in favour of the motion of the noble Lord. The terms on which the Committee of the House of Lords had been moved for, were evidently an impeachment of the Irish policy of the Government, and amounted in reality to a vote of censure upon the Government of Lord Normanby. The period over which the investigation was to extend, and the language in which the resolution was couched, rendered it perfectly clear that the conduct of Lord Normanby was the reason for the appointment of the Committee; for it was stated that the inquiry was to be into the state of crime and outrage in Ireland, from the year 1835, which it was asserted had rendered life and property insecure in that part of the empire. The appointment of the Committee was, therefore, in his opinion, a direct censure upon the conduct of Government with respect to Ireland, and, surely, therefore, the Government had a right to call upon that House for an expression of opinion in regard to their Irish policy, and it could not be doubted that

that House had a perfect right to express such an opinion. He regarded the amendment which had been proposed by the right hon. Baronet opposite, as only an artifice to evade the main question; and he trusted that no one would be led away by the terms in which it was framed, and thus refuse their support to a Government which had done much to ameliorate the condition of Ireland. From the returns which had been laid before the House, as well as from the testimony of those best qualified to judge on the subject, it appeared that during late years offences had diminished in Ireland, and that the number of convictions had increased in proportion to the offences, as compared with former times. It was, therefore, evident that the present Administration had executed the law vigorously, and that there was no ground for the motion or for the censure of the other House of Parliament. Even the judges on the circuit congratulated the people on their improved social condition, and on the diminution of crime, and he could state from his own knowledge, that in that part of the country where he resided, a very great improvement had taken place. The question before the House was, whether outrages had increased under the Government of Lord Normanby, and if they had increased, whether that increase was attributable to the conduct of the Government. Now those outrages were of two kinds—faction fights, and agrarian disturbances. With respect to faction fights, it would not be denied that their number had much diminished of late, and for the decrease which had taken place, he contended, that they were indebted to the present Government. With respect to agrarian disturbances, he hoped they also had diminished, and at all events, the Government had taken the most prompt and energetic measures for repressing them. It therefore did appear that the late Lord-lieutenant had done all in his power to repress those outrages, and he could bring forward many cases showing that such was the case. He thought, too, that at last, a remedy had been found for those agrarian disturbances in the Poor-law which had been granted, and for that measure they were indebted to the present Government. If any one contrasted the state of Ireland at present with what it was some years ago, it must be allowed that a great improvement had taken place, and he did trust that English Gentlemen on his side of the House would not desert the cause of Ireland, and that they would unanimously support the motion of the noble Lord.

Mr. *Sidney Herbert* said, that hon. Gentlemen opposite had attempted to make the present a purely Irish question, and to draw those on his side of the House from the vantage ground which they occupied in right of the amendment which had been moved by the right hon. Baronet, the Member for Tamworth. But on his side of the House there was no censure cast upon the Irish policy of the Government; though they certainly had a perfect right to allude to the state of Ireland in discussing the question brought forward by the noble Lord opposite. It was admitted by Lord Normanby, that outrages had not diminished, but that smaller offences had. He did not deny that such was the case, for small crimes, like diseases, always gave way and diminished as great crimes became more prominent. He was not going to defend the landlords against the charges which had been brought against them, but when those charges were made, they were certainly bound to give them the means of replying, and to afford them an opportunity of establishing their innocence. Now, that could be done only by investigation; and, therefore, the course which the other House had adopted, was only an act of justice to those against whom the most gross charges had been made. Nor could it be doubted, that the House of Lords had a perfect right to make inquiry into the state of outrage and crime in Ireland, just as the House of Commons had pursued their inquiry by demanding returns. But there was another circumstance which justified the appointment of a committee on this subject. The right hon. the Chancellor of the Exchequer had last night stated, that when they got the returns which had been moved for in that House they would not be of a character to be depended upon. Now, surely that was another reason for inquiry, and for obtaining *vivâ voce* evidence in regard to the state of Ireland. The hon. Member for Limerick had said, "Don't discuss the state of Ireland in a spirit of party, but let us rather unite together and inquire what the cause of those outrages and disturbances are, and let us endeavour to find out the proper remedy which ought to be applied." In that course of proceeding he fully concurred. But the fact is, there are threats of differences on the other side of the House; even the mind of the Member for Kilkenny had begun to suspect, that after all black is not white. In this emergency recourse was had to a motion which, by bringing on a collision with the Lords, and upon the ground of Ireland, it was thought would give satisfaction to those supporters of the Government who held extreme opinions as to reform. The Government thought, that those dissatisfied persons would support them in a motion upon a country where all law and order were postponed to the unresisted sway of popular impulse. But there might be another motive for the course which the Government had pursued. It might be that they were not completely at ease as to the result of the investigation which had been instituted by the House of Lords. When they sought a packed verdict in the House of Commons without any inquiry having taken place, he thought he was justified in supposing, that Ministers were not altogether satisfied as to the probable result of the proceedings adopted by the Lords. But he believed they already repented of the resolution which had been moved by the noble Lord; and what was that resolution? It was so unmeaning, that it might be construed into any thing, and it was so adapted as to bear any interpretation according as the Government was defeated or successful. In the resolution they did not define their own principles, and there was but one assertion in it and that was notoriously untrue, for they themselves had admitted, that crime had not decreased, and had often lamented its continuance. In short, the resolution was nothing more than an emasculated piece of slipslop. Is that the weapon which is to annihilate the House of Lords, carried too by a majority including many persons who were lying under the same censure as themselves, and against whom similar charges had been brought. But what had become of the motion of the hon. Member for Finsbury? Why had not those who were favourable to that motion, and who held the same opinions as the hon. Gentleman, come forward to address the House? He congratulated the Government on having the support of a party who, as the price of that support, exacted from them concessions which as honourable men and as politicians it was impossible they could grant, after the promises and professions which they had made. But if that motion were bought off by any cross or bargain with the Government, he congratulated the Whig Gentlemen of the old school, on the prospect of a Government which was composed of all classes of Reformers, and which was upheld by those who were striving to overthrow the whole fabric of the Constitution. But hon. Gentlemen opposite were mistaken in their views as to the state of opinion in England, if they imagined, that the motion of the noble Lord was calculated to create a prejudice against the other branch of the Legislature. The House of Lords had recovered all their former influence in the country—an influence which they owed to their great talents and their great virtues; but, above all, to the enlightened patriotism of the Duke of Wellington. [" Hear, hear," from *Mr. O'Connell.*] He did not expect the assent of the hon. Member for Dublin to the opinion which he had expressed. But the hon. Member was not in the Corn Exchange, and he would tell the hon. and learned Gentleman that there was no assembly of men in England of any party or any class, in which the language which the hon. Member was in the habit of using in regard to the noble Duke (the Duke of Wellington) could or would produce any other feeling than that of contempt for the meanness of the mind which could not appreciate his greatness. The House of Lords were strong in their right to inquire into the state of the country when its grievances were brought before them. He trusted the House of Commons would pause before they allowed themselves for party or selfish purposes to decide on evidence not yet seen, and pronounce an opinion which they may find themselves subsequently obliged to retract.

Sir *W. Somerville* trusted, that as an Irishman he might be allowed a hearing while he gave his sentiments on the motion then before the House. It seemed to him that they were called upon to give a decided opinion on the conduct of the Government. For himself, and judging from his knowledge of the state of Ireland, and considering the terms of the motion which had been carried in the other House—looking also at the speeches which accompanied that motion, he, for one, could not think otherwise than that it was a vote of censure on the Government. He came to that conclusion upon the ground, that if the right hon. Baronet opposite, (Sir R. Peel) were in power to-morrow, he would be ashamed of himself if he could attribute to the right hon. Baronet all the outrage which would be sure to exist in Ireland, knowing as he did the state of Ireland and the origin of that crime. They must go back for many years in order to search for the cause of that crime—even so far back as the beginning of the reign of George 3rd they would find that the Irish House of Commons had appointed a Committee, which Committee had investigated the cause of the crime then existing; and that Committee had reported almost in the same terms as that which had lately been sitting. It was to be remembered that there was a great change going on in Ireland—several small farms were uniting into one large farm, and that was forced upon the landlord in consequence of the operation of the Poor-law. From his own experience, from what he learned in his own neighbourhood, he could assure the House, that the reports of crimes in Ireland were frequently invented—at all events, if not invented they were most grossly exaggerated in the public prints. For instance, in his own neighbourhood it was stated by the public papers, that large bodies of the peasantry were regularly drilled and exercised to the bearing of arms. It was a serious charge, and an investigation was entered upon by the magistrates in the neighbourhood. The charge was found to be totally false, but still it was never contradicted in the newspapers, and of course stood as authentic, so far as the newspaper reports went. In a case which had occurred at a late assizes, the Judge had stated to a jury that he was very glad they had found themselves justified in finding a verdict of "not guilty," because, had they found otherwise he would have found it his duty to have allowed the law to take its course. In such a place he was astonished that such a state of things should exist. Life was held so cheap, that it looked like a heathen country which had never been blessed with the light of Christianity. Did this take place in the county of Tipperary, or in the county of Longford? No; but such language as he had used fell from Mr. Justice Coleridge at the York Assizes for 1838. What a godsend such a charge would have been to the Orangemen of Ireland! Much misrepresentation bad gone abroad with respect to the Marquess of Normanby. He for one did not believe that the noble Lord had been in the habit of going into the gaols and there liberating prisoners. He did go into gaols; he sent for the gaolers' books; he inquired into the nature of the crime of which the parties had been convicted. He then inquired of the gaoler as to the conduct of the party, and upon his return to Dublin the proper order was sent down for the relief of the party. He had applied to the Marquess of Normanby frequently for remission of sentences, but never had in one instance succeeded. There was not the slightest ground for saying that the noble Lord had been actuated by political or unfair motives; the government of the noble Lord, also, had had many more difficulties to encounter than any previous government. He had not been treated with common fairness, nor with that respect due to the Queen's representative. His every action had been misrepresented — no calumny was too gross to be promulgated against him. He had even heard it stated by reasonable and respectable men, that the Government were anxious to screen the murderer of Lord Norbury; and he had even heard the magistrates state, that it mattered not that the murderers of Mr. Cooper had been convicted, because they were sure of being reprieved. He believed that Ireland was more tranquil now than it was for years before; he would go further than the resolution before the House, and say, that it had been more tranquil than it had been during the last fifty years. Crime had existed in Ireland, and did exist in Ireland, and would, until the people of that country were treated in an impartial manner; they must acknowledge the nationality of Ireland, and must legislate for Irishman as if they were natives not aliens. They must first educate the people, and that in a manner which the people would accept; if not, they must expect that ignorance would prevail, with its concomitant crime. He should be unworthy of a seat in that House if he did not candidly state his opinions. No pecuniary sacrifice would be too great on his part, to procure to the Church to which he belonged, if not the attachment, at least the respect, of the people of Ireland. Before capital was introduced into that country we must put an end to all political and religious dissension. He had never approved of the measure for reducing the ten Bishops. On the contrary, he considered it "a heavy blow, and a great discouragement" to the Protestant church in Ireland. As he understood it, it was done with a view to conciliate the Roman Catholic population, but if he knew anything at all of them, they were not animated by any hostility to the Established Church, as such. The Roman Catholics did not care if they had 500 Bishops, provided the Protestants paid for their support. He thanked the House for the patience with which it had heard him. Nothing but his ardent desire to see peace and happiness conferred upon his country would have induced him to take part in these discussions or obtrude himself upon the attention of the House.

Colonel *Conolly* could not understand how the noble Lord opposite, who during the previous Session had challenged hon. Members at his side of the House to try the question of an impeachment, could with any consistency shrink from even the severest scrutiny on the part of the other House, and endeavour to evade it by procuring a declaration of the Commons of England, without any reference to the facts of the case. Neither could he understand how, under all the circumstances of the case, with all the nearly insuperable difficulties of detecting and punishing crime in Ireland staring them in the face, any set of men could have the effrontery to propose to the representatives of the British nation a resolution of this description, stating that the principles upon which the Irish Government had been recently conducted, had tended to the efficient maintenance of the law. Why, they appeared to him to have selected the very terms which were declaratory of the most fatal point connected with their administration. He contended, that while they were the sworn servants of the Crown, they had made themselves also the subservient instruments of agitation in Ireland. They had submitted every power within their grasp to the only principle by which they seemed to be guided—the principle of maintaining themselves in office. They had prevented the administration of justice; they had crippled and enfeebled it in every way—in the mode of appointing the sheriffs, until they were forced to alter their system in this respect by the intervention of the Legislature, and, with reference to juries, in the withdrawal of the right both of challenge and reply. These were not his sentiments alone; they were concurred in unanimously, at three county meetings, by the Irish magistrates, whose complaints were received by the Government with derision, and who were told that the blame of all this turbulence and crime in Ireland rested with themselves, and not with the Administration. He fully concurred in the language which had been used by Lord Oxmantown upon this subject, and in the sentiments which had been put forth in that noble Lord's letters; and so far from considering that noble Lord a calumniator of his country, he believed him to have faithfully described the actual state of things when he represented Ireland as in a frightful state of agitation and outrage. The tyrannous system of intimidation which prevailed in that country was in a great degree to be ascribed to the weakness of the Government, which afforded no support to those who were friendly to the maintenance of the law. In the counties of Carlow, Longford, and Sligo, there had been of late a considerable increase of disturbances, all of which were attributable to the animosities engendered by the acts resorted to by the Government for the purpose of carrying these elections. He was well acquainted with the monstrous degree of persecution to which his hon. and gallant Friend near him (Colonel Perceval) had been subjected, and was still undergoing in Sligo; and he knew of an instance where a man had been driven from Sligo into his (Colonel Conolly's) own county, a distance of twenty miles, and left for murdered, although not actually dead, without any cognizance whatever having been taken of the fact by this Government, on which it was now sought to pass a vote of eulogy. A reward to the amount of 150*l.* had been subscribed in the neighbourhood of the outrage, and yet the Government had notwithstanding taken no notice of the fact whatever. The only crime that could be alleged against that man was, that he had voted for Alexander Perceval. He was also acquainted with the case of an English capitalist who had settled in that part of the country, and whose exertions would have most materially tended to improve its exports. He had been forced, however, by the machinations of the priests and agitators to retire, and submit to the loss of almost all his capital, and yet the Government did not to the smallest extent interfere in his behalf. When he witnessed things like these, was he to be called on to concur in a proposition like the present, and pass a complimentary eulogy upon a Government which had characterized itself by a subserviency to that system of agitation which was at once their degradation, and his country's curse? They had thrown themselves into the hands of the leading agitator; and because they had thus pleased him and his rapacious set, they fancied they were installed in the affectionate regard of the country at large. He had often protested, and he now did so as strenuously as ever, against the supposition that a set of agitators constituted the people of Ireland. There was at least one province, that with which he was connected, in which, he thanked his God, that they had but little influence. The loyalty of the people was unshaken in that province—they had always maintained the character of obedient subjects, and they had of late, he must say, met with nothing but insult in return. Every year they were insulted by a party of troops being needlessly sent down, under the mock plea of suppressing Orange processions, with a view to create a prejudice in the English mind against the loyalty of the Protestant body in that province. They had, however, declared their intention not to meet in procession, they had pledged themselves to their Sovereign to that effect, and they had too much real pride and sterling honesty to violate that pledge. He could not concur in any vote of confidence in the Administration of the noble Lord, whom he considered to be less a servant of the Crown than the instrument of agitators; and he looked upon her Majesty's Government in Ireland as wanting in all their duties to her and to the people of that country, and as having perpetrated in that country acts of the grossest corruption and selfishness, by lavishing the patronage and power of the Crown upon the sustainment of the particular political party upon which they had thrown themselves in that country for support. He considered the present procedure as highly dishonest. It was nothing more than a mockery to seek to pass a vote of approbation of their own conduct in one House, when thirty-five of those who would vote were members of the Admisnitration, and when no fewer than forty besides were deeply interested parties. They had done away with the right of challenging jurors in Ireland, but he would certainly not dispense with that right in the present instance. On the contrary, he would challenge their whole array. He should just as soon think of empanelling a jury from the dock, and placing the culprit as foreman, as grant to hon. Members opposite the privilege of violating the spirit of the law by deciding in a case in which they were so vitally concerned. Would they go to the bench for a character—to the bar for a character—to the church for a character—to the landed proprietors of Ireland for a character? They had turned against them all the sound mind of the country by the meanness of their subserviency to an agitating faction. He looked upon the present proposition as a wretched, a contemptible shift to escape from the censure which must some day or other—and the day was not far distant—fall upon the heads of a corrupt and profligate Government.

Mr. *James Grattan* said, it was exactly that day fifty-five years, that a motion about Ireland was brought forward in the Irish House of Commons. The object of that motion was, to lay before King George the Third and the people of England, the grounds and the causes of the complaints and jealousies, that then distracted Ireland. That motion passed, and it was on the principles then avowed, on which his hon. Friends near him had governed Ireland during the last four years. It asserted that all classes were alike entitled to the equal protection of the law, and the equal enjoyment of liberty, and that they would not rest until those rights had been obtained. And further, that it was only King, Lords, and Commons, that had a right to make laws for Ireland. On the 16th of April, 1782, the motion passed. Ireland was then made free. Liberty was for the first time enjoyed, and the Catholics were admitted to the privileges of the Constitution. The country then rose to a pitch of glory and prosperity, such as had been unknown. But the seeds of discord had unhappily been sown between Catholics and Protestants, and the same arguments now advanced by the Gentlemen opposite were advanced then, and they succeeded in destroying the peace of the country, and distracting the operation of the principles of the Constitution. Now, he asked Hon. Gentlemen opposite, whether they were prepared, after experiencing the consequences, to return to the period of misfortune and error? The Liberal party did not, as had been alleged, call for a counter-vote now—they only wanted to prevent the passing of a condemnation. A majority of the House of Lords had without inquiry passed a resolution of condemnation of the Representatives of her Majesty and her Majesty's Ministers in Ireland. Yes, it was a condemnation. The words of the resolution of the Right Hon. Baronet were also a condemnation —nay, they were much more, they were the grossest and most malicious libel—the most exaggerated falsehood that could have appeared on the records of the House of Commons. If the amendment of the Right Hon. Baronet had confined itself to Tipperary or to Longford—or to York—he should not have objected, for he admitted that life and property were insecure in Tipperary, and in Longford, although that was his own native county —and he had suffered greatly by its disorganized state. But he objected against the allegation being made against the entire country of Ireland. He thought that the noble Lord opposite (Powerscourt) should not have indulged in such facetious abuse of the country from which he derived such large resources. Now it was remarkable that in the last speech King William the Fourth addressed to Parliament, which was in August, 1836 —a year and a half after Lord Normanby's appointment to the Lord-lieutenantcy —it contained this passage:—"I refer you, with the most lively satisfaction, to the tranquil state of Ireland, and to the diminution of crime in that country, and I trust that a perseverance in a just and impartial system of Government, will encourage the good disposition of the Irish people." The right hon. baronet never contradicted that statement. Would he now exclude that year and a half? The hon. Gentlemen opposite complained that Lord Normanby did not dispense justice—they meant by that, that he dispensed justice to the whole people—not to the Orange party, and through them. If he had done so, they would never have complained. The real question was, how was Ireland to be governed? The right hon. baronet complained that Lord J. Russell's motion was obscure; yet the noble Lord declared every thing and fixed his principles. He said, I will govern Ireland as we have already governed it. The contest had been represented as between the Lords and Commons, but there was a third party—the millions of the Irish people, who were entirely forgotten by the right hon. Baronet opposite as they had been during all his political life. There were 92,000 volunteers in Ireland now, in 1792 they were commanded by the Duke of Leinster; the petition signed by the descendant of that noble Duke now lay upon the table of the House. Should these volunteers fight with or against England? That was the question. [*Laughter*]. It was very well for Gentlemen to laugh, but to those who had to keep guard over the property of the absentee proprietors, for them it was no laughing matter. The Tories had always avowed principles adverse to the liberties of Ireland; they had not concealed their principles. During the whole period that the party of the right hon. Baronet had governed Ireland, she had only lived for seventeen months, four months under Lord Portland, two months under Lord Fitzwilliam, and eleven months under the noble Lord who preceded the late Lord-lieutenant. They bribed the people out of their liberties in 1800, and they did not regrant them till agitation was triumphant, and then the Gentlemen opposite turned round, and found fault with the agitation, because they were defeated. Another ground of objection, however, which he had against the return of the Tories to power was, their total incapacity. The Gentlemen opposite seemed to arrogate to themselves the well-known designation of "All the Talents," but if "All the Talents," were upon that side of the House, let the House see the use that had been made of them. The hon. Gentlemen opposite had declared that concession to the Catholics would be ruinous to England and ruinous to Ireland, dangerous to the Church of England, and ultimately destructive to the Church in Ireland, in order to meet the cry for concession, they had set up the Orange party —and let the House look at the very name assumed, they took that of the right hon. Baronet opposite, and they called themselves "Orange Peelers." The Gentlemen opposite came forward from 1814 to 1819, and told the people of England that if the measures proposed by the Whigs were granted, they would destroy both the Constitution and the Church; and then in 1819, the very same men came down and urged the House to pass the very same measures, as necessary to uphold the Constitution and the Church. Did that display any statesmanlike ability? Was that an exemplification of perfect capacity for good government? With respect to the Catholic claims, the Duke of Wellington strongly opposed them, and the year after he came down to the other House, and proposed the grant, the right hon. Baronet did the same thing, and not only had they changed, but the noble Lord, the Member for Lancashire, and the hon. Baronet, the Member for Pembroke, who then supported the emancipation, now joined the right hon. Gentleman, and opposed the working out of their own measure. In Ireland the party formed by those hon. Gentlemen, was called the "Renegade Ministry," and when the names of any of the hon. Gentlemen, or the name of the hon. Baronet, the Member for Wiltshire, who had more recently joined the party opposite, were mentioned in Ireland, there was a hiss, as if it had come from Pandemonium. This was the feeling entertained in Ireland of the party which the right hon. Baronet wished to head, wherewith to rule that country; but let him suggest to the right hon. Baronet before he started on this stormy ocean, to look out well for the winds he would encounter, and to consider well the crew with which the vessel would be manned; for if he could judge by what took place last night, the mariners that were to man the vessel were not to be relied upon. Then there was another element. He held in his hand a letter, signed "Ernest," which he would read to the House, it was dated

"Berlin, Oct. 12, 1835.

"Gentlemen—Having been absent from home, and attending to the reviews at Kalisch and Toplitz, it was only on my return here that I received the address voted to me by the Grand Lodge of Longford, on the 17th Sep. I lose, therefore, no time in returning you my sincere thanks, and in again assuring you now in writing, of that which I have publicly stated on more occasions than one, that in accepting the high office of Grand Master of the Orangemen of the United Kingdom, I am fully determined to act up to the principles of that loyal body—principles in which, from my earliest youth, my venerable and ever-to-be-lamented father, George the Third, educated me, in common with all his children, and in which I have studiously educated my son. That I am become the object of abuse and malevolence of the enemies of good order and loyalty, I am not surprised at, and am prepared to bear with; for, as I have said, I never will allow myself to retract one iota of our principles, or to give way to machinations, which I know have no other object but to subvert the state, and overthrow the remains of that beautiful constitution which we are enjoying, and which was our pride, and the admiration of all Europe. I must beg to call the serious attention of all my brother Orangemen to the necessity of avoiding all transgression of the law, for to do otherwise, would be to put arms in our enemies hands. Remember we are to support and maintain the laws of the country, and not to infringe them. You may rely upon it, that I shall be again on my post in the House of Lords whenever Parliament meets, in spite of all the threats and menaces held out by the adverse party to intimidate me. The Orangemen may rest assured I shall be true to them, and to those principles which are to support and defend the church, monarchy, and country."

ERNEST, Grand Master."

There was the letter of the Duke of Cumberland in October, 1835, to the Orangemen of Ireland. If hon. Gentlemen thought this of too old a date, he had also some resolutions which had been agreed to within the last ten days, and was he trusted at a sufficiently late period. There was also a report of a meeting of the grand lodges of the Orangemen of the county of Londonderry, second district—Coleraine—Nos. 87, 256, 316, 411, 431, 579, 735, 742, 860, 930, and 1,022.—On Monday last, the first instant, a meeting of the Orangemen of Coleraine, in the county of Londonderry, was held in the district lodge-rooms of that town, the Rev. John Graham, county master, in the chair, when, among others, the following resolutions were unanimously passed:—

"1. That we rejoice at the new modelling and more perfect organization of our constitutional association at the annual metropolitan meeting in Dublin on the 14th, and two succeeding days of November last, and that we return our thanks to the grand lodge and their committee, for their zeal and activity on that occasion. That the appointment of Lord Fortescue, the declared enemy of the Church of Ireland, to be viceroy of this island, has been a source of deep alarm to us, and that we hope the Queen's most excellent Majesty, recollecting her coronation oath so lately taken, will cancel that appointment, convinced as we are, that otherwise it will be attended with the most disastrous consequences. 3. That our cordial thanks are due, and are hereby given to Edward Litton, Esq. the worthy representative of our town, for his prompt and steady opposition to the second reading of the Irish Corporation Bill, which we trust, will be rejected by the Lords, the hereditary counsellors of the Crown."

Thus, the very measure which the right

hon. Baronet had stated that he would support, was warmly opposed, and there was a mutiny amongst his men before the army was enrolled. The next resolution was from the grand lodge of the county of Down, in which it was stated that,

> "All Protestant Ulster will marshal 150,000 high-hearted Orangemen, who, with the blessing of that God in whom is our trust, will again, through every peril, preserve Ireland as an appendage of the British Crown, and hurl shame and confusion back upon the traitors who shall make the daring attempt to suppress our religion, destroy our constitution, and sever Ireland from Great Britain."

An accompanying vote of thanks and of confidence in the Grand Orange Lodge of Ireland was also passed by acclamation:—

> "It was unanimously resolved, that the thanks of this meeting, comprising the representatives of 220 lodges, and upwards of 25,000 Orangemen, are due, and are hereby given, to the members of the Grand Orange Lodge of Ireland, for their manly and constitutional declaration made 17th November last, with the spirit of which we heartily coincide; and we take this public opportunity of expressing our implicit confidence in the Grand Lodge as now constituted, and of assuring them of our zealous co-operation, and that we shall at all times be ready to jeopard our lives and property in defence of our beloved and youthful Sovereign, our revered constitution, and the maintenance of the British connection."

Were they to march against any foreign enemy?—were they to protect their country from foreign invasion? Alas, no! They were to march against their own countrymen who had been designated as aliens and as outcasts. As every play was usually terminated by a farce, so he would conclude by referring the House to a song which was written to the tune of the "Boyne water," and dedicated to the gallant Officer opposite. It was not very bad poety, and he would read it to the House:—

"Say, Verner!
Shall we crouch and whine,
Like dogs beneath the lash? In slavery pine,
When life were torture, and when death were life?
No! though our sentinels have sold the pass—
No! though our flag is changed to green from blue,
The gates of perfidy are made of glass,
Another DIAMOND cuts its bright way through."

[*Laughter.*] That was the decent allusion made by the Orangemen to the battle of the Diamond. The right hon. Gentleman opposite laughed, and so did those near him, and he would only, therefore refer them to the words of an old poem:—

"He laughs, and you laugh, too, no doubt,
But one difference is, you're in, he's out."

It was idle to enter into a mere contest about Lord Normanby, who, after all, they could not separate from the court at Dublin, the benefit of which was received alone by the tradesmen of that city; but they went to seek for impartial justice, whether it came from Lord Normanby, from Lord Ebrington, or from Lord Haddington; and he must say, that he took care to go to the court of Lord Haddington, though hon. Gentlemen opposite had not gone to the court of Lord Normanby. Let them all unite to benefit their common country, and to obtain for her what she was justly entitled to, equal laws. At the present moment there were but 13,000 troops in Ireland. There were but five regiments of cavalry and ten regiments of infantry; and why was this force sufficient? Because the Ministry could rely for support on the people of Ireland; but that people would not tolerate an Orange government. He knew that their return to power would cause Ireland to be devastated by civil war, for this would be a natural consequence of 25,000 Orangemen marching against their fellow countrymen. He was sorry to say, that even now Orange sub-sheriffs nominated Orange juries to condemn liberal men who were on their trial. He would show that, by an examination of witnesses, by no less than three respectable Orangemen, and he would prove that it was stated, that the parties did not believe the jury would have given such a verdict as they had given, and that they were nearly certain the jury would have remained all night to procure a conviction. He was determined to support his own, the Protestant religion —if necessary he would lay down his life for it—he admired it for its pure doctrines and its beautiful simplicity; but he would not allow it to form a wall of exclusion against all communication with men of opposite creeds; he would never listen to such an opinion. He had seen men of both religions kneel together before the altar of the same eternal God, Catholic and Protestant. There was perfect peace in private life, and there would be the same peace in public life, if the people were suffered to remain in harmony. He was quite ready to admit errors — he affected no exemption from that common frailty. He believed that, on both sides of the House, they were subject to errors of opinion. Acting on that belief, and on that principle, he proposed that they should shake hands and bury their differences in oblivion—forget what was passed and be friends. But they would not do it. He would still appeal to them, he would still ask them to bury their animosities—to entomb their factious disputations in one common grave, so that they might look forward to peace and concord for the future. Let them henceforward forbid the employment of newspapers to ridicule and calumniate individuals. Did they think the people of Ireland would be eager to submit to their factious proceedings, in order to promote religious animosity and encourage malignity? The first duty they owed their country,—the great principle of duty—was to put down and suppress these practices and unite all the people. That had been attempted by Pitt, Fox, Ponsonby and Grattan, and they had failed. Would they, then reject what those illustrious men had endeavoured to accomplish—were all those years that had passed over their heads during that long period to escape, and not profit by the advantage of their years of experience? From the time of Elizabeth Ireland had been by constant misgovernment, converted into a country of endless calamity and disturbance. Some great and dire misfortune had always been the lot of that country. He had now to thank the House for the attention they had given him. He would now beg hon. Gentlemen opposite to unite in efforts to put an end to such quarrels. It was the greatest proof of national folly to allow England and Ireland to remain in a state of difference. He would say, let the two countries go on together—let them come to a proper and lasting understanding, on a basis of mutual equality and justice; and then, instead of misery and misfortune, he was confident they would soon reap the benefit, and live in peace, union, and prosperity.

Mr. *Lucas* confessed he had never laboured under greater diffidence than he now experienced in rising to address the House, after the speech of great good humour which they had just heard from the hon. Gentleman who preceded him. It would be impossible for him to follow the hon. Member in his observations, or to compete with him in the use of those "words that breathe, and thoughts that burn." But as the House did not seem inclined to adjourn at that hour, there were several points on which he wished to say a few words before the debate went further forward. Reflections had been cast, in the course of the debate, upon the conduct of the landlords of Ireland. The hon. Members for Roscommon and Drogheda had alluded to the conduct of the landlords of Ireland, and charged them with proceedings intended to effect a change in the occupancy of the soil from political motives. The landlords of that country succeeded to a state of things of a particular nature in regard to land. They found their estates in a depressed condition. It signified nothing whether the tenants were Protestants or Catholics, farms of fifty or one hundred acres were sub-let *ad infinitum*. In some cases, where 2*s*. 6*d*. was the original rent, 30*s*. was exacted from the occupier. It was asserted that large schemes of ejection were now going on, and that the land in Ireland was in course of change in regard to occupancy, owing to the opinions of the landholders. From that assertion he totally and entirely dissented. He knew that sub-divisions had taken place in particular districts. But where those sub-divisions had occurred they had been in no degree connected with political motives. If such were the case, the necessary result would be that sub-divisions would be found carried to the greatest extent in counties where political contests had occurred. But so far from that being the caes, the fact was, that in the county which he had the honour to represent, there had not been a political contest for fifty years—not from 1775 to 1826; therefore, so far as the rule was applied to the case of that county, the arguments of hon. Gentlemen opposite were erroneous. He thought it totally unfair to impute political motives to landholders in regulating the sub-division of their lands—stipulated by regular covenants in their leases—and who wished to deal fairly with the occupiers. They all knew that the landlords had their legal rights. But it was most unfair of hon. Members opposite to make sweeping assertions, and to allege that there was a wholesale state of transition going on. There was the greatest kindness displayed by the landlords to their tenantry. Much complaint had been made against Orange Lodges, but the accounts respecting them were grossly exaggerated, He would mention a fact in proof of his assertion. A stipendiary magistrate (Sir William Lyner) was sent by Government to put a stop to an Orange meeting which never took place. He found one person with an orange lily in his button-hole, and another with an orange handkerchief round his neck. With his own hands he tore the handkerchief from the neck of the wearer, committed him to prison, kept him confined for two or three days and then brought an indictment, which the grand jury ignored. An action was brought against this magistrate, a verdict was gained, and damages were recovered. It was the bounden duty of Government to carry the same impartiality of justice through the whole of the Administration, and make no difference according to the station in which persons moved; and if there was, as in this instance, a magistrate in Ireland who went far beyond his duty—a strict and rigid course of justice ought to have reached and removed him. The administration had not studied impartiality, it had been both partial and unjust in the appointment of sheriffs and it had rewarded those who had shewn the most vehement spirit of partizanship. On the 18th of July, 1837, a meeting was held by the General Association of Ireland, at which an address was moved by Mr. O'Connell from the inhabitants of Dublin, introduced by a speech of great violence, to the effect that they were deprived of their "just rights, privileges, and franchises," and sought redress for their grievances. The address set forth that on the 28th of June, the eve of the festival of St. John the Apostle, when it is the practice of the peasantry in all parts of Ireland to light bonfires, some Catholic children at a place in the county of Monaghan were sporting around one of these bonfires, when they were fired upon by Orangemen and killed. The address appealed to the justice of the Crown, and demanded that the murderers should be punished, affirming that amongst uncivilized Indians and Caffres such offences were not exceeded or even equalled. The intention of the hon. and learned Member evidently was to impute to Protestantism the commission of an offence which he had no ground for imputing to any one class more than any other, and which it was particularly unfitting that he, as a magistrate, should show a disposition to impute, otherwise than upon sufficient evidence, to any class of her Majesty's subjects. The hon. and learned Member did not merely refer to it in the House of Commons, he did not merely incidentally mention it at a public meeting, but deliberately, and with full knowledge of that which he was about to do, he moved an address at a meeting of an organized body in the city of Dublin, which address it was intended should be laid at the foot of the throne. He trusted that he need hardly direct the attention of Members of that House to the gross unfairness of suggesting to the Sovereign that a crime such as that to which reference had been made could only have been committed by one class of her subjects, or the obvious impropriety of an individual included in the commission of the peace for a county, permitting himself to become so strong a partisan in a question which affected the administration of justice. He would ask, was such a man fit to be continued in the commission of the peace? He would also ask, if this address had not been forwarded to the Earl of Durham to be presented at whatever time he found most convenient? He would likewise inquire if it were not true that at the time of its adoption the Court was not in London? Was it not also true that the address had been sent to the noble Lord, the chief secretary to the Lord-lieutenant of Ireland, and was it not most extraordinary, that with such knowledge as that address supplied to him, he could have reconciled it to his sense of duty to have abstained from representing to the Lord Chancellor of Ireland the propriety of removing such a person as the hon. and learned Member for Dublin from amongst the magistracy of Ireland? Finally, he wished to know if an address full of such violent language had ever reached the foot of the throne? The county, however, which he represented, (Monaghan), and which was calumniated in the address, deserved and had met with the eulogy of hon. Members for its tranquillity. It enjoyed a comparative immunity from outrage not a single conviction for a capital offence had occurred during the last four years. But within the last three months the Whig Lord-lieutenant felt it to be his duty to call a meeting of the magistrates in consequence of the increased outrage and robbery of farms. He then and there recommended an additional police force, and his recommendation was adopted *nem. con.* Thus it was, the Lord-lieutenant, appointed by the present Government performed his duties without receiving one word of reproach or censure. Great stress had been laid on the number of petitions which had been presented in favour of the policy of the present Administration, but the most unfair means were resorted to and the greatest skill used to procure them. A parallel had been drawn by the hon. Member for the county of Dublin between Ireland and Canada. He would also draw a parallel, not in words of his own or of his own party, but in the words of Sir Francis Head. Sir Francis said, "That the greatest encouragement was given to those who supported republican doctrines, and the utmost discouragement to those who were admirers and supporters of the British constitution." That was also the case in Ireland. He thought that the policy adopted by the present Government towards Ireland was partial, impolitic, and unjust, and it should meet with his most strenuous opposition.

Debate again adjourned.

HOUSE OF LORDS,

Wednesday, April 17, 1839.

Minutes.] Bills. Read a second time:—Consolidated Fund.—Read a third time:—Mutiny; Marine Mutiny.

Petitions presented. By Earl Grey, from Forfar, for the Total Repeal of the Corn-laws.—By Lord Wallace, from a Union in Lincolnshire, for Amending the New Poor-law Act.—By Lord Portman, from Derby, for a Uniform Penny Postage.—By the Earl of Shaftesbury, from the Justices of the East Riding of Yorkshire, against the District Sessions Bill.

HOUSE OF COMMONS,

Wednesday, April 17, 1839.

Minutes.] Petitions presented. By Mr. Dennistoun, from Glasgow, against the Prisons (Scotland) Bill.—By Sir Charles Burrell, from Horsham, and Shoreham, for a Uniform Penny Postage.—By Sir Robert Inglis, from the Agent for the House of Assembly in Jamaica, against the Jamaica Bill.—By Mr. O'Connell, Viscount Morpeth, Sir Charles Styles, Mr. Macnamara, and Mr. O. Cave, from a great number of places, in favour of the ministerial Policy in Ireland.—By Mr. Sergeant Jackson, from King's County, for Protection.

Private Business—Commercial Railway.] Mr. *Pryme* begged to call the attention of the House to an occurrence which had taken place in the early part of the day in the Committee of the London and Blackwall Railway. The Committee met that morning at the appointed hour, and the Members present proceeded to sign the declaration prescribed by the House, and they then proceeded to elect a chairman, when he (Mr. Pryme) was unanimously chosen. After he had taken the chair other Members, seven in number, entered the committee-room. Under those circumstances, a doubt had originated whether those Members who had come into the room after the chair had been taken could competently take any part in the proceedings. A discussion of considerable length arose, and a motion was made that those Members who had come in after the chair had been taken should be allowed to vote on signing the declaration. The question was put, that the Committee do proceed to business. The Committee divided:—ayes 7; noes 8. Under those circumstances, the question had been reserved for the consideration of this House, as it was a matter of importance, and another case of a similar nature had occurred to-day in the Committee on the North of England Railway Bill. He now begged to ask the opinion of the House: 1st, Whether on committees on private bills it was enough for Members to enter the room after the chair had been taken, and then proceed to sign the declaration; and, 2d, Whether the right of voting in such cases would be confined to those Members who had signed the declaration before the chair had been taken.

Mr. *Warburton* thought, that the further consideration of the question should be adjourned till to-morrow. He considered, that the signing of the declaration must be considered as the first act of the Committee.

Mr. *T. Duncombe* said, that as one of the Members who had entered the Committee-room after disfranchisement, he hoped that he would be allowed to state the circumstances to the House, so far as he was able to understand them, and for that purpose he would refer to the minutes of the proceedings of the Committee. The case had been fairly stated by the hon. Member for Cambridge with this exception, that he had not correctly explained the manner in which the Committee came to a vote. The minutes bore, that after the appointment of the chairman, a doubt had been raised as to the right of Members who had come in after such appointment. The room was cleared, and a motion was made, that it was the opinion of the Committee that Members who had entered after the chairman was appointed, but before business had commenced, should be entitled to vote on signing the prescribed declaration. It was then that he (Mr. Duncombe) raised the doubt as to the right of the Committee to decide the question of qualification or disqualification; and, in order to get rid of the difficulty, he moved the previous question, that the Committee do proceed to business; on which an amendment was ultimately put by the chairman, that the words proposed to be left out stand part of the question. The Committee divided—ayes 7, noes 8. The chairman declared, that the noes had no right to vote; so that the true state of the vote was, ayes 7, noes 1. If the chairman of the Committee was right in that decision, it was clear that the seven disfranchised Members could take no part in the subsequent proceedings of the Committee. He could not acquiesce in the opinions which had been given by the chairman of the Committee. The question was one of importance for the House to consider, for he understood that a similar case had occurred that day in the Committee on the Great North of England Railway Bill, in which Committee two Members who had entered after the chairman had been elected were allowed to vote.

Sir *De Lacy Evans* thought, that they ought to consider this matter well before coming to a decision. At about a quarter of an hour before twelve o'clock eight Members only were present. Eleven Members, it appeared, had voted on the appointment of the chairman, and the result was, that the whole matter had been settled in a few minutes. He, therefore, was of opinion, that the House should consider well before a rigid construction of the rule sought to be applied should be adopted. The result would be, that five or six individual Members favourable to one party, by punctual attendance the first day and hour appointed for a committee to meet, might thus secure preponderance, and exclude all others.

Mr. *Pease* thought, they ought not to draw the cord too tight. If the rule were applied with strict rigidity, it would be attended with very inconvenient results.

Mr. *Estcourt*, as a Member of the Committee of selection, said, that, in his opinion, the declaration and memorandum which the House had directed to be subscribed by Members were clear and explicit. The declaration was, that the Member was willing "to serve throughout the proceedings of the Committee on such bill, and that he will never vote on any question which may arise without having duly heard and attended to the evidence relating thereto;" and the memorandum stated, that "the declaration, signed as aforesaid, must be delivered to the clerk of the Committee on the bill so soon as the Committee shall have met, and before they shall have appointed their chairman, otherwise the Member signing the same shall not be entitled to vote." He thought it thus plain, that no hon. Member who had not signed the declaration previous to the election of the chairman could take part in the proceedings of the Committee. It had been said, that the rule was stringent, and that they should not draw the cord too tight. What was the object in framing the rule? Was it not owing to the notoriety which prevailed, that Members were in the habit of coming down to vote on private bills on particular occasions without having heard the evidence. An objection had been raised, that by the strict adoption of the rule a few hon. Members, by prompt attendance, might secure an undue influence in committees, by immediately signing the declaration, and then appointing their chairman; but when it was remembered, that hon. Members could sign the declaration any time before the time appointed for the meeting of the Committee, by calling at the Private bill Office for that purpose, the House would perceive, that there was really nothing in that objection.

Mr. *Hawes* said, that the question was one of importance to him, and he would be too glad if the House should decide that he was excluded. He held it to be perfectly clear, that if the memorandum was equally authentic with the declaration, that he and the other Members who entered the room after the chairman was appointed, were, in that case, disqualified from taking any share in the proceedings of the Committee. But the memorandum was not, in his opinion, equally binding on the House; and, as regarded the provisions of the declaration, he was certain, that all the Members who were interested in this question would have complied with its provisions, by making themselves thoroughly acquainted with the evidence.

Sir *J. Graham* said, that he thought it was fortunate that the same difficulty should have so soon arisen in two committees. He was satisfied that, with a view to the good working of this measure, the House should come to some explicit understanding and fixed rules respecting it. His idea of the matter was this: the House had delegated to the Committee of selection the power of framing regulations, to be binding on all the members of private committees, subject to this principle, that they should enter into an engagement to attend throughout the proceedings. Now, the construction put upon those words, "throughout the proceedings," by the Committee of selection, was a construction which he, upon the whole, was prepared to contend for—namely, that it meant that Members should be present at the election of the chairman. It was important that rules upon the subject should be fixed, and then rigidly enforced. If not, they would only be incurring all the embarrassments of the new, and all the abuses of the old, system. The objection of the hon. Member for Westminster, that it would be unjust to disqualify those Members who should happen to arrive five minutes after the appointed time, and find that the chairman had been elected, might be valid if it were only possible to sign the declaration upon that occasion. But the House was aware, that two days' notice should be given before the meeting of the Committee, during which time every facility was afforded for signing the declaration. With regard to the future, he had no doubt whatever, that the Committee of selection should enforce the rule that no Member could attend or vote who should not have signed the declaration, and been present at the election of chairman. But to give that rule a retrospective operation, so as to affect the two cases that had already been mentioned, would not, in his opinion, be just. He suggested, therefore, that the rule should be laid down and rigidly enforced, but without any retrospective tendency.

Lord *John Russell* said, he thought the declaration should be made previously to any act of the Committee, but the rule ought not to be so rigidly enforced as to disqualify Members who might come in two or three minutes after the commencement of the proceedings. He thought that the Members who had attended this morning should be allowed to act.

Mr. *Shaw Lefevre* said, the question was one of some importance, and he hoped it would be decided by the House. In the Committee on the London and Southampton Railway the Members who had not voted for the election of Chairman were allowed to vote, and he thought that precedent ought to be adopted.

Mr. *Pryme* moved, that under the special circumstances of the cases, those Members of the committees on the Commercial (London and Blackwall) Railway Bill, and on the Great North of England Railway Bill, who signed the declaration as appointed by the Committee of Selection after the chair was taken, but before any other business had commenced, be authorized to attend and vote in the said committees respectively.

Sir *R. Peel* thought words ought to be introduced showing that the present arrangement was but an exception.

Question carried.

GOVERNMENT OF IRELAND—ADJOURNED DEBATE—(THIRD NIGHT.)] On the Order of the day being read for resuming the adjourned debate—

Mr. *Barron* said, that if he had consulted his own personal feelings he should not have said one word on this question, but the duty which he owed his constituents prevented his being silent, and he should be guilty of a breach of duty, if he did not bear his testimony in favour of the policy of Lord Normanby in his government of Ireland. The policy of that noble Marquess had conduced materially to the improvement of Ireland, as he could prove from public documents, and from his own personal knowledge as a magistrate and landed proprietor. The country had progressed in manufactures, it had progressed in trade, it had progressed in commerce; and most undoubtedly the value of landed property had increased very much within the last seven years. He could prove this from documents and facts that defied contradiction. He could clearly prove in the words of the resolution of the noble Lord, the Secretary for the Home Department, that the administration of the law also had considerably improved, and that the general state of the country was one of progressive improvement. These were subjects capable of demonstration. He would ask men differing from him in political opinions, if this were not the case with his part of Ireland, concerning which only he could bear testimony as having come under his own observation? To commence with trade,—the several branches of trade had considerably improved within the last seven years, and were in a progressive state of improvement. In 1829 the declared value of the corn exported from Ireland was 2,300,000*l.*, and in the year 1838 it amounted to 3,400,000*l.*, showing an increase of 1,100,000*l.* since the year 1829. The imports in tea had increased a fourth since the year 1829, and the imports in coffee had increased threefold within the same period, showing beyond all doubt that there was an improvement in the condition of the people of Ireland; there was likewise double the quantity of coals imported into Ireland now that were imported in 1829. He should not have thought it necessary to have made these comparisons, and to have brought them before the House, if there had not been sweeping declarations made in that House that Ireland was in a progressive state of crime, and that neither life nor property were safe there. As to manufactures, in one branch at least, there had been an enormous increase—in fact it had become a new trade, and raised since 1829—he meant the manufacture of flour. In 1829 there were but few mills in Ireland for the manufacture of that article; now, he believed, there was scarcely one river in that country capable of having a mill erected upon it, and capable of any outlet for commerce, which had not from one to twenty of such mills upon it, in some 20,000*l.*, in others 30,000*l.*, in others 40,000*l.*, being embarked in the manufacture which was daily on the increase. He would ask, were men so blind to their own interest—were they so foolish and so ignorant as to erect those mills, and invest such large properties in them, if they, at the same time, could have the remotest idea that life and property were insecure in Ireland? These were facts that must stamp the character of falsehood on the assertions which had been made in another place. Even English capitalists and Scotch capitalists were at this very moment investing their money in Ireland in the erection and working of these mills, and in other branches of manufacture there. A large addition had been made also to the cotton trade in Ireland, and many new mills had been erected, especially in his own part of the country, for increasing that trade of late, and employment was given in them to large numbers of the working people, and he believed them to be very profitable undertakings. Likewise, in his own part, and he believed in many other parts of Ireland, an entirely new trade had been created in the manufacture of beer and porter, which had become an export trade of great importance. In 1829, he believed there were not more than 100 hogsheads of porter exported from Waterford, whereas now there were upwards of 3,000 hogsheads exported annually, and that export was still increasing. The glass trade and the working of mines had greatly increased since 1829, and they were still very much improving. Other minor branches of trade had sprung up by which capital was circulated, and the poor employed. These were facts affording a triumphant answer to the statement that there was no security in Ireland. He asserted boldly, that life and property were now more secure in Ireland, than they ever had been within the memory of man. And the best proof of that was, that the condition of the people was daily improving, that capital was being circulated more and more in every direction, that trade was flourishing, and that the land brought now better prices, and higher rents than it had done for the last forty years. [" *Hear, hear.*"] The hon. Baronet opposite (Sir Robert Bateson) called "Hear, hear," but he should be able to prove the statement he had made. The Earl of Enniskillen had an estate near the city of Waterford, and he sold a large tract of land there in small lots. It certainly was known, that the leases were granted to the tenants at considerably under their value, because that noble Earl was one of the best landlords Ireland ever had. Those portions of land when sold by the noble Earl fetched twenty years' purchase. The same land, in similar lots, was sold in 1831, 1835, and 1836, when it fetched twenty-three years' purchase. The average price of estates in the county of Waterford was twenty years' purchase. An estate there was, in 1816, sold to a near relative of his own, for seventeen years' purchase; and in 1837 the same estate was sold, under precisely similar circumstances, for twenty-five years' purchase. A portion of it, indeed was sold for thirty years' purchase. An estate belonging to a relative of his, was sold, under a decree of the Courts in Dublin, within the last twelve months, by public auction for upwards of twenty-four years' purchase although the same land was valued in 1819, at twenty years' purchase. He had thus shown in four different instances, that the value of property had increased in the county of Waterford of late years to from three to seven years' purchase, and was this not an evident proof that the landed proprietors and capitalists of Ireland were satisfied that life and property were secure in that country? He would now come to the question of the administration of the law, and he thought it right to state that he himself was a witness of a portion of the progress of the Lord-lieutenant when he visited the gaols in Ireland. He accompanied him to the county gaol and city gaol of Waterford. On those occasions the Lord-lieutenant was also accompanied by the high sheriff, by the other magistrates, by the gaol committee, by the gaol chaplains, by the gaolers, and by other persons interested in those institutions; and there was not a single case gone into upon which each of those individuals was not consulted by the Lord-lieutenant. The hon. Baronet opposite (Sir R. Bateson) smiled at this statement; but he could tell that hon. Baronet that that smile would neither be considered as an answer to his statement of facts which he made from his own knowledge, nor one which the country would regard as becoming him. The Lord-lieutenant, likewise, consulted every gentleman whom he thought he could obtain any information from, whether he was Whig or Tory, as to the state of the country, and he knew that all the information which he received, both as regarded the counties of Waterford and Kilkenny, was, that they had considerably improved since he had succeeded to the Government of Ireland, and it was not till that assurance was given to him that a single prisoner was released. Nor was there a single prisoner released who had been guilty of any but some petty offence, or some green-wax process; nor a prisoner who had been guilty of insurrection or homicide had been discharged. Nothing could be more easy than to make sweeping denunciations against the Lord-lieutenant, and to say that he had gone on general gaol delivery tours, but those were the mere workings of the imaginations of his enemies, and of those who were jealous of a Whig Lord-lieutenant, because of his amiable disposition and his strict adherence to the administration of justice. He was not one who thought it necessary for the strict administration of justice to hold that every petty offence should be considered as an aggravated case. The Lord-lieutenant administered justice with a sound discretion, and that had this admirable effect, that it gave the people a confidence in the Government; it gave them a confidence in the administration of the law. They did not see the homicide released—they did not see the assassin released, but they saw some miserable individuals released who had been confined for some petty offences, and sent home to support their families by the sweat of their brow. Well would it have been for Ireland if other Lords-lieutenant had acted on this principle before. From the manner in which the law had been administered before, the Irish people were never made to know it but to fear it, to dread it, to hate it. They were not led to consider that it was made for their good but for their punishment; but when Lord Normanby assumed the office of Lord-lieutenant they were made to feel that the law was equal for the rich and for the poor, and that in the due administration of the law there was clemency and kindness mixed up with justice. It was said that crime had been countenanced, and that it had increased in Ireland. Why, the returns on the table would show that there was more energy and activity on the part of the magistracy and police than at any former period. That was why the committals had increased by one-sixth, and the convictions had increased in nearly a similar proportion. In the two counties with which he was connected, Kilkenny and Waterford, crime had been very considerably diminished. The former county, when Lord Normanby came to Ireland, was in a very disturbed state, but at the present moment there was not in the empire, whether Middlesex, York, or Devonshire, a more peaceable or tranquil county than Kilkenny. Why, neither himself nor any other gentleman resident in it, would think of barring their doors before the regular hour of retiring to rest, at twelve or one o'clock at night, any more than he would think of barring the door of the House of Commons, when the Members were coming in. Again, with respect to Waterford, with which he was intimately connected, they had manufactories and mines and mills at work, carried on and worked by English and Irish capital, and the utmost tranquillity prevailed there. He admitted that a murder had taken place in that county about a year and a half ago, but it was connected with what had unfortunately given rise to many outrages in Ireland, a dispute about land. But the Government had nothing to do with that atrocious act. A reward was offered by the Government, and the criminal was apprehended and hanged. That was merely a proof of the efficient manner in which justice was administered in Ireland under Lord Normanby's administration. Again, in the county of Tipperary, a gentleman named Cooper was murdered under similar circumstances; but that, any more than the other murder, could not be fairly charged against the Government. The people were reviled, and oppressed, and treated with the utmost cruelty. They were called wretches and maniacs, and their crimes, which originated in the "wild justice of revenge," were brought forward most prominently, while they were treated like slaves, and worse than the blacks in the West Indies. The dispossession of tenants had occasioned much of this evil, and noble Lords and the relatives of hon. Members of that House had taken a prominent part in these proceedings. He knew an instance in which 1,200 individuals were turned out of their homes, and the town almost razed to the ground. If the House required it, or if the facts which he stated were disputed, he could name the parties. If Ireland was in a disturbed state, it was owing to the Government of the Tory faction for a period of 150 years. No people could be ruled more easily than the people of Ireland. Let them be only treated with kindness—let them be only educated and employed. [*Hear, hear!*] Hon. Members on the other side cried, "Hear, hear," but they voted against the measures which would confer these advantages on the Irish people—they kept the "word of promise to the ear, but broke it to the hope." When the Duke of Richmond was Lord-lieutenant of Ireland, and when the right hon. Baronet, the Member for Tamworth, was his Secretary, the standing toast at the viceregal table was a standing insult to the Catholics of Ireland. Was it not well-known, that the "glorious, pious, and immortal memory" was the standing toast? Had they, during their long dominion, appointed a single Roman Catholic to any place of trust, or power, or emolument? Not one; and yet they had ventured to assert, that they were ready to do equal justice to all parties in Ireland. How could any party have confidence in men who were not even true to themselves? They had refused to admit the Roman Catholics to seats in the Legislature. They had declared their readiness to resign office rather than consent to such a measure; and yet the same party had brought in a Catholic Relief Bill, greater in extent than any Whig Government had dared to propose. Neither party could place any confidence in them, because they knew that political expediency, and not public principle was the rule of their conduct. As to the question of finality, of which the noble Lord had so often talked, he considered there was nothing so absurd as to speak of finality and the English constitution. What, he would ask, was that House for, or the House of Lords, but for the purpose of remedying abuse. He would not now enter at large into this question, but he thought it his duty to protest against such an absurd doctrine as the finality of reform. He was not for having new constitutions every five or seven years, but when he saw great abuses existing for a series of years, he felt bound to say, it was the duty of every honest man to try to remedy them. He was for moderate, timely, and constitutional reform, such as would tend to the good of the people. He believed, that the House would for ever blight the interests of the people of Ireland if they rejected the resolution proposed by the noble Lord, the Secretary of State for the Home Department, because then they would have Lord Roden and his allies governing Ireland. No doubt that the court of Russia would rejoice if that resolution were rejected. No doubt, if such a course were adopted, the camp of Don Carlos would rejoice with *vivas*—and every despot in Europe would rejoice, but unhappy Ireland would be led over to anarchy and confusion; property would be destroyed, and all good landlords, like the Duke of Leinster, would leave in disgust, and those who remained would exclaim—

"Væ victis et væ victoribus."

Lord *Ingestre* asked the hon. Member if he had alluded to a noble relative of his, as having ejected his tenantry.

Mr. *Barron* said, he certainly had alluded to him. He had alluded distinctly to what had taken place on the property of the Marquess of Waterford. In the county of Waterford, there were on the estate of the Marquess of Waterford, since the election of 1826 up to 1839, and some within the last six months, upwards of 1,200 individuals turned out of their houses.

Lord *Ingestre* observed, that as to the numbers he knew nothing; but of this he had knowledge—that the tenants had been ejected with their own concurrence. Perhaps he had used a wrong expression; but this he was right in saying, that they had left their cabins with their own consent. A great proportion of the tenantry were in the immediate neighbourhood of the noble Lord's demesne—the cabins were all outside the demesne; and it was thought right, for the improvement of the estate, that part of the lands should be brought into the demesne. What then was done? The tenants occupied huts—most miserable huts—huts of the most miserable description. They were given up all arrears of rent, and they were fully satisfied in every particular, and he could shew, that they assisted in pulling down their own houses, and in no one instance was there a complaint made of the noble Lord himself, or of his agent. He thought, that if an hon. Member made charges of this description, he ought first to make himself cognizant of the facts. He was perfectly ready to join issue with the hon. Member as to these facts. When he saw the hon. Gentleman get up, he thought it not unlikely he might make some such statement, and therefore he was ready to join issue with him. Again he said he was ready to go into the whole of the facts.

Mr. *Barron* believed, that the House would agree with him that he had not mentioned the name of the noble Lord until pressed to do so. He had stated facts which he knew. His property adjoined the property of the noble Lord, and some of the wretched tenantry of the noble Lord were literally dependent upon the charity of some of his own tenants. Some of the tenants, too, who had been ejected were living seven miles from the demesne of the noble Lord. The greater portion of those ejected were distant from the demesne, and were to be found in the town of Kilmacthomas.

Mr. *Villiers Stuart* thought it but fair to say, that he was not aware of the circumstances referred to by his hon. Friend. He sincerely hoped that the statement was exaggerated.

Mr. *Barron* replied, that there was not the slightest exaggeration in the statement. He had the names of all the parties, and could produce them. His hon. Friend did not know of the circumstances, because when they occurred he was with his regiment.

Sir *R. Bateson* denied that the Conservative party hated clemency, as had been stated. The hon. Member (Mr. Barron) had called on them not to hate one another, a sentiment in which he most cordially joined. The hon. Member had begun by alluding to the increase of vested capital in Ireland. There could be no doubt that Ireland had rapidly improved within the last twenty years. But he was astonished to hear the hon. Gentleman quote the high rents as a criterion of the prosperity of the country, when the next moment he said the people were absolutely starving because of the high rents. The hon. Member stated, that the agrarian disturbances were caused by the landlords. Now, he could only speak of those landlords with whom he was acquainted, and of that part of Ireland where he resided. In that part of Ireland, he must, on the part of the landlords generally, deny the accusation. It was a foul calumny on that portion of Ireland with which he was acquainted. He knew the majority of those landlords personally; they were good landlords, and actuated by a wish for the improvement and happiness of those under them as much as any landlords anywhere else. As a proof of that, and of the confidence generally felt in the landlords of the northern counties, whenever a farm was at liberty, there was great competition to obtain possession of it. It was the custom both of the Government and others in that House to charge the landlords of Ireland with being the cause of the disturbances which prevailed there. It was the duty of the noble Lord who had made such charges, and of the hon. Member who had just sat down, to state where those landlords resided; and he called on the noble Lord, and some hon. Members on the other side of the House to state the counties where those landlords resided who conducted themselves in such a shameful manner as had been described—a manner, respecting which the hon. Member had just said that the House could not be surprised at the people resorting to "the wild justice of revenge." The hon. Member had, in an indirect manner, justified murder, and expressed no surprise at that crime being committed. The hon. Member, in his opinion, was bound in justice to himself and to that body whom he had so grossly calumniated, to say where those monsters resided. He recollected a similar phrase being used in those vehicles of public information which they were all in the habit of reading with regard to Lord Oxmantown, "that if he were allowed to live, it was a proof that revenge and murder, were not followed up in Ireland, as was supposed." The hon. Member had also taunted the Members on the Opposition side of the House with being opposed to the spread of education and the establishment of railroads. The plan brought into that House for the construction of railroads in Ireland, was a plan for the employment of only a portion of the people; and with regard to the manner in which it had been brought in, it was, to use an Irish phrase, "a job, and bottomed in jobbing." The Government had not acted with good faith towards the promoters of the Ulster line of railway. Had they given their support to such a spirited plan as that, whether it went to the north, or the east, or the west, it would have been productive of much good to the country. He must, therefore, retaliate on the hon. Member the charge that Members on his side had objected to means of employing the people, when they only objected to what they felt to be a job. As to the charge of being opposed to education of the people, he must strongly deny that there was any ground for it. He and those hon. Friends with whom he acted, were friendly to the principle of education for all classes, but the real opposition to education was by those who would consent to only one plan, which was now admitted by themselves to be a complete failure, as well with respect to Catholics as to Protestants. That plan Dr. M'Hale had declared that he could not countenance. As to the drinking the toast of "The glorious, pious, and immortal memory, of William 3rd," he was not aware that it was particularly objected to by Catholics—certainly Whigs, if there were any of the old school left, would not object to drink it. He had heard that the toast had been drunk by the hon. and learned Member for Dublin in a glass of the Boyne water. From the arguments of some hon. Members opposite, it would seem as if Protestants and Orangemen were synonymous in Ireland. That, however, was not the case. He had never been an Orangeman or a member of any secret society, and he hoped he never should; but if Government were to pursue the course which it had of late years adopted, if it attended to the suggestions of some hon. Members opposite, it might be that Protestants would be obliged to become Orangemen. Though not himself an Orangeman, he must say, in justice to those who had been so, that they had been unfairly dealt with. They had readily attended to and obeyed the call of their Sovereign, and had dissolved themselves, but the compact on which that dissolution had taken place had been broken with them. It was stated at the time by the noble Lord, the Secretary for the Home Department, that if the Orange Societies should be dissolved, all others of a similar kind should be put down, but since then they had seen Ribandmen, General Associations, and Precursor societies not only not put down, but tolerated, while the Orangemen were exposed to insult and degradation. Troops were sent down to the north to prevent Orange processions, which were never intended. The Orangemen were sincerely loyal—no man ever disputed that they were so, yet they were treated as if they were rebels or disloyal, while the opposite party were allowed to have processions on Patrick's-day, with green flags and white scarfs, and no force was sent to put them down. In a word, the Orangemen were not treated with evenhanded justice. It was said that Orangemen had kept aloof from the late Lord-lieutenant, and never attended his levees. They had done so because they saw that on his arrival in Ireland he threw himself into the hands of a party. He had seen a procession accompanying the noble Lord with green flags and banners, one of which bore the harp above the crown, and the band playing what were considered party tunes. It was said that Lord Haddington had united himself to the Orange party, and the proof given was, that he had allowed an Orange scarf to be held over the box in which he sat at the theatre, but the noble Lord could not be charged with that act. He had nothing to do with it. Another reason why the Orange party did not go to Lord Normanby's levees was, that those who had set up agitation against tithes and against the Established Church of Ireland had been countenanced by him. He most readily admitted that in private life no man was more estimable than Lord Normanby. His objections to him as Lord-lieutenant were on public grounds. He might say the same as to the estimation in which the private character of Lord Fortescue was deservedly held, but from his public professions with regard to the Established Church, he must say, that the appointment of that noble Lord was calculated to do great injury to the Church of England in Ireland, that it was therefore a dangerous appointment, and that it would be looked upon with jealousy and suspicion on the one part, while, of course, it would be regarded with favour by that party who now sought to rule Ireland. Allusion had been made to the care taken in making inquiries by the late Lord-lieutenant before liberating parties under sentence. As that subject had been fully discussed on a former evening by an hon. and learned Friend of his, he would not go further into it than to say that, however well meant, that mode of liberation from prison was not quite constitutional. The policy which dictated it was what he might call a priestly policy, and he believed that the recommendation of a Roman Catholic bishop or priest for the remission of a sentence would have had more weight with the Irish Government under Lord Normanby than that of a whole grand jury. He would mention one case which occurred early in 1835. Some Protestants and Catholics had been tried in the north, and were sentenced—the Catholics to nine months, and the Protestants to six months' imprisonment. When the Catholics had suffered six months' confinement they were discharged. He had on that occasion inquired the ground of this remission, and he was told by a noble Lord (Morpeth) that the jury who tried the men had sent in a general recommendation of it. On his return to the city of Derry, he was much surprised to learn that nine at least out of the twelve jurymen were ready to declare on oath, if required, that they had joined in no such recommendation; and the judge who had tried the men had told him that no communication had been made to him on the subject. This was in 1835, and it showed that Lord Mulgrave had begun his liberating policy very early, With respect to what had been said of the personal differences between Protestants and Catholics, he must own that he deeply lamented their existence, and he fully concurred in the wish expressed by an hon. Member last night, that both parties would forget their feuds and unite in common for the general good of their country. It had been said, and he believed it, that this difference had existed most in the southern and western parts of Ireland. If hon. Members would go to the north, they would find a different state of things. They would see Protestant and Catholic living in a state of cordial union and harmony. It was, however, the bane of many parts of Ireland that agitation should be carried on to a vast extent for sordid or worse purposes, by which easy and good-natured feelings were worked upon. Men suffering from great poverty were easily roused to excitement and prevented from returning to habits of industry. The authors of this agitation were responsible for the violence and bloodshed which they had caused. Let him tell them, that if, instead of taking that wicked course, they, without distinction of Catholic or Protestant, Whig or Tory, impressed upon the people the observance of their duties to God and man, they would very soon improve their moral feeling, and if to this were added, a lowering of rack-rents by landlords, there would soon be a most desirable change in the social condition of large bodies of the now impoverished peasantry of that country. From what he knew of the north of Ireland, where there was great prosperity, he could say it was owing to the people not being rackrented, and to there being a better feeling between the Protestants and the Roman Catholics. It was the system of agitation that had been pursued which had given rise to the violence, outrage, and murders that had taken place in Ireland. The Roman Catholic clergy, too, had enormous power by means of the confessional and absolution, and until they set their faces against crime, and took a vigorous part in detecting offenders against the laws, he should despair of seeing peace in Ireland, or that the peasantry would be different from what they were now. With respect to the different appointments which had been made by Lord Normanby, the Protestants of Ireland did complain of the noble Lord's having shown great partiality. It had been asked, where during Lord Haddington's, government were the Roman Catholics? but he would say, where during Lord Normanby's administration were the Protestants? Certain persons had been sent by a kind of bargain to different towns, to officiate as revising barristers; and stipendiary magistrates had been chosen from amongst those who professed ultra-political principles; he might name Mr. Duff, Mr. Hancock, and Mr. Gore Jones; whilst on the other hand the Protestants and persons of Conservative principles had been removed from their offices. He cared not what Government they had in Ireland, whether it was Whig or Tory, so long as they acted impartially, and duly administered the laws of the country; and if the Government there were straightforward, and acted with justice and firmness, it would be respected by all classes, and be a source of great happiness to the kingdom.

Mr. *Grote* said, Sir, the House has heard, both yesterday and to-day, many speeches from Irish Gentlemen on both sides of the House, who naturally take a warm interest in the present debate, and who have entered very largely into the detail of Irish administration. I trust the House will not impute it to any want of interest in the welfare of Ireland, if I decline to follow them through those various statements. I will only say, that the narratives and the comments which I have heard from Irish Members on both sides of the House, impress me with a deep feeling of the obligation incumbent upon us as legislators to apply our most watchful solicitude to the many causes of misery which contribute to disturb the peace of that country, and also with a painful conviction that our duties in that respect have been most defectively performed. Sir, the question now before the House, if we consider it according to the mere terms of the noble Lord's resolution, appears to be confined exclusively to the administration of the executive government in Ireland. The resolution expresses an opinion as to the course of Irish executive administration during recent years, and as to the propriety of conducting the future administration of that country on the same principles which had been adopted by the Marquess of Normanby during his vice-royalty; it expresses nothing more, nor does it either condemn or approve any other branch of the Ministerial policy. If, Sir, the real issue now about to be decided were strictly circumscribed within the terms of the question, and involved nothing beyond, I should have had no hesitation as to my vote, nor should I have thought it necessary to trouble the House on a subject with the details of which other Gentlemen are much better acquainted than I am. I approve of the principles upon which the Irish executive government, under the Marquess of Normanby, has been conducted; I have expressed that approbation publicly on former occasions, and I am not reluctant to repeat it again at any suitable moment, whenever the matter is put in issue by itself and on its own ground. I believe that the Irish administration under the Marquess of Normanby, has been in its general features equitable and comprehensive towards all parties, and at the same time conciliatory to the feelings of the Catholic majority of the population, in a degree superior to any administration which preceded it. But I cannot conceal from myself, Sir, that the question of Irish executive government is not on this occasion really put in issue by itself and on its own ground. I cannot conceal from myself that there lies wrapped up in the literal and primary sense of this resolution another question, indirect indeed and collateral, but still of serious importance. We are told that the vote of the House of Lords, naming a committee to inquire into the executive government of Lord Normanby in Ireland, was tantamount to a censure of the ministry; the present vote, invoked by the Ministers themselves, is intended as a formal contradiction and counterpoise to the vote of the House of Lords—it is intended as the negation of a vote of censure, and therefore unavoidably as a vote implying more or less of general approbation and confidence. And I do not doubt that, as this motion is made with a view of determining the continuance of the Ministry, so on the morning after the division all their partisans will point to the number of the majority, and cry aloud—"Look what an evidence is here afforded of the lofty estimation in which the ministry of Lord Melbourne is held by the House of Commons and by the country!" Aware as I am of the construction which will be put upon this vote, it has been with me a matter of much consideration whether I could with propriety take any part in it. On the whole, I have come to the conclusion, that agreeing as I do in the terms and special import of the resolution before us, it is my duty to give my vote in its favour. But I certainly shall not do so without explaining what my vote is intended to imply, and without guarding myself against those collateral inferences which persons might naturally be inclined to deduce from a silent support of this resolution. My vote on the present occasion goes no farther than the express and literal terms of the resolution proposed by the noble Lord. I intend to signify approbation of the principles upon which the executive government in Ireland has been conducted, and I intend nothing more. Others will connect with the expression of this opinion, a feeling of esteem for, and concurrence in, the general policy of the present Government. I entertain no such feeling, nor is my vote meant to denote it. Others may include among the reasons of their vote a desire to maintain Lord Melbourne's government in office: I harbour no such desire—I have no belief that their continuance in office is any benefit to the nation, nor would I concur in a vote for that purpose if it were separately and specifically proposed. I vote in favour of this resolution, just as I should vote in favour of a resolution approving of the policy by which the Catholic Emancipation Act, of 1829, was dictated, without intending thereby either to express or imply any concurrence with the general policy and views of the right hon. Gentleman opposite, by whom that act was passed. Whatever Ministry may be destined to hold the reins of government, I desire to see the principles of an Irish executive, which I believe to have been good and liberal, still maintained and persevered in. In the case before us it is that good and liberal Irish executive which has been attacked; and a record of opinion from the House of Commons to vindicate and sustain it can hardly be otherwise than beneficial. But, Sir, the praise of the House of Commons will only be beneficial when it is strictly and scrupulously confined to that which deserves praise. On any other terms it will do more harm than good. I am willing to vote an approval of the Irish executive administration of Lord Normanby; but I will not do so without declaring that I consider that administration as standing out in remarkable contrast to the general course of proceedings of her Majesty's Ministers, and without disclaiming all sympathy with the Conservative spirit which marks their remaining policy. The Irish executive administration is in truth almost the only remnant of Liberalism which now distinguishes them from the Gentlemen opposite; and for this reason it has been most abundantly attacked. It must, indeed, be admitted that the right hon. Member for Tamworth, and the more liberal Members of his party—I would advert especially to the speech of the hon. Member for Wakefield (Mr. Lascelles)—did not join in the censure on Lord Normanby, except to a certain very qualified extent and on special grounds. But what is the reason that Lord Normanby has been selected for the special object of this as well as of so many attacks from other Tory gentlemen, and that the Fabian tactics imposed by the ascendancy of the right hon. Baronet, the Member for Tamworth, upon the ardent spirits of his party, have been on this occasion broken through? What is the reason that the noble Lord, the Home Secretary, has found himself under the necessity of provoking a substantive declaration of opinion from the House in defence of the Irish executive policy—a step so remarkable and so little sanctioned by precedent? Sir, it is precisely because the Irish executive policy has been really and truly conducted upon equitable, comprehensive, and liberal principles; because Lord Normanby has not sought to conciliate political opponents at the expense of those public hopes and expectations on the part of the Irish people, which accompanied his first appointment to office. It is this which has drawn upon him so many peculiar and acrimonious attacks; it is this which now induces me to concur in a vote for his defence. Sir, the hon. Member for Waterford has adjured us this evening not to upset the coach; but even he has expressed an opinion not very far removed from mine, as to any expectations to be entertained from the existing Ministry. As to any reforms, administrative or legislative, I am driven to the persuasion that our chance of obtaining efficient measures conceived in the spirit of improvement, is no way greater under the present Government than it would be under the government of the right hon. Baronet opposite; and I believe this persuasion now pervades a very large proportion of those who sincerely desire a steady course of political progression and reform. For, what is the doctrine of finality, the doctrine that no alteration is to be made in any one of the essential principles or features of the Reform Act, which has been so often preached from the Treasury bench, except a negative of all advance—the Conservative principle announced in all its plenitude and in all its rigour? It can be no secret to any man that, under the present state of the representative system, we shall obtain no reforms, either administrative or legislative, except such as it pleases the right hon. Baronet, the Member for Tamworth, to consent to and sanction. We have the Conservative principle predominant at present, with the full choice and concurrence of Lord Melbourne's government, who unite with the Gentlemen opposite in maintaining the finality of the Reform Act. Assuredly the Conservative principle could not be more predominant than it is now, if the right hon. Baronet, the Member for Tamworth, were Prime Minister, with all the difficulties and responsibilities of office on his shoulders. For my part, Sir, I am opposed to a Conservative and a finality government by whomsoever it may be carried on; but, if the country is fated to experience the misfortune of having a government conducted on such principles, it is to me a matter of perfect indifference whether the Premier of that government be Lord Melbourne or the right hon. Member for Tamworth. It would, indeed, be gratifying to me to see an efficient Liberal Ministry at the helm; but, if that be forbidden, the next best condition is to have an efficient Liberal opposition. At the present moment, for the first time in modern English history, we have neither a Liberal Ministry nor a Liberal Opposition. We have a Ministry which, having once professed liberal principles, now neither manifest the will nor possess the power to accomplish anything but Conservative purposes; we have a very powerful opposition, which both now is, and always have been, consistently Conservative. The patronage and emoluments of Government are, indeed, distributed among those who are called Liberals, but the real ascendent and influential principle in government is that of the Conservative body, Whig as well as Tory. How long this inglorious and unpromising state of our political world may be destined to last I do not know, but of this I am quite sure, that no new combination of parties, let it be of what character it may, can be more adverse than the present to the success of liberal principles, and to the attainment of progressive reform throughout our institutions. Sir, I could have been well pleased to be spared the necessity of making this explanation, feeling, as I do, that it will not be in unison with the sentiments of either of the two leading parties in this House. But as I shall, on the present occasion, find myself in the same division with many Gentlemen who connect with their vote wishes and inclinations totally different from mine, I have thought it an indispensable obligation to define exactly what my vote is intended to express. I shall vote for the resolution in approbation of Lord Normanby's executive administration in Ireland, believing sincerely, that it deserves esteem and imitation, and that it has worked beneficially for the Irish people. I shall also vote in favour of the addition about to be proposed by the hon. Member for Finsbury, under the equally sincere belief that no government can do its duty to the people at large, English as well as Irish, except through those farther amendments in the representative system to which this additional sentence refers.

Mr. *Gibson* said, that the hon. Member had made some allusion in the course of his speech to certain tactics which he supposed to have taken place amongst the Conservative party on the subject of the present discussion. He begged to say, that as far as he was concerned he knew of no such tactics, and that if anything of the kind had been notified to him he should have disregarded it, and acted solely upon his own views and discretion. He could assure the hon. Gentleman that he would never permit himself to be made a mere voting machine. He would beg, therefore, to say a few words in reference to the speech of the right hon. Baronet, the Member for Tamworth, on the first evening of this debate. With many points in that speech he fully concurred, and particularly in the propriety of the right hon. Baronet's declaration, that if he were again at the head of the Government of Ireland, he would consider religious opinions neither as a qualification or disqualification to office. It had been asserted that if the right hon. Baronet came into office, he would not zealously endeavour to carry out the principle and intention of the Catholic Emancipation Act. He however, believed that the right hon. Baronet would sincerely and conscientiously endeavour to do so. But at the same time, he wished that he had not made the observations which he had done in justification of preferring men of his own party for appointment to offices. He could have wished that the right hon. Baronet had said that he would only be guided in his appointments by the merits and ability of the parties. He knew it would be difficult to adhere strictly to this principle, but he must say, as a general rule, he was decidedly against the doctrine of government by patronage. The right hon. Baronet had also referred to certain associations, which he considered to be entirely unconstitutional, and which he condemned on that account. Now, he thought that this was a delicate question to touch upon, seeing, that whether the object were to pass a beer bill, or to raise the Catholic or the Protestant party to an ascendancy, all was brought about by means of associations. They were a very powerful ingredient in the working of the social community, and it was a question with him how far it would be right to put persons who belonged to such associations, not strictly illegal, under ban or disqualification. He was glad to hear the right hon. Baronet say he should discourage party demonstrations and processions. He entirely concurred in the propriety and necessity of so doing, and all he could say further was, that he hoped all associations and other bodies of whatever denomination or party, would take what had been declared by the right hon. Baronet to themselves. He hoped that the Protestant Association, which had advertised a meeting at Exeter Hall, for the purpose of hearing the reverend Mr. O' Sullivan and the reverend Mr. Magee declaim on the immoralities of the Catholic priesthood, would bear in mind that the

Conservative leader in that House had most positively denounced such proceedings. Having said thus much in reference to the speech of the right hon. Baronet, he would now beg to say a few words in explanation of the course which he was about to take in reference to the question before the House. He understood the amendment of the right hon. Baronet to involve, not the question whether they should approve of the policy exercised of late years in the Government of Ireland, but how far the Government might come forward on an occasion like the present, to ask the House for an expression of approval or disapproval of that policy. Now, as to the right of her Majesty's Ministers to ask for the opinion of the House of Commons on this part of its conduct, a great deal in his mind, would depend upon the question whether or not the vote recently come to by the House of Lords, was a vote of censure or not. If it was a vote of censure, he thought the Ministers had that right, and that it was due to their feeling of self-respect to come to this House immediately, and ask it how far it considered them entitled to its confidence. As to waiting for the result of the judicial inquiry instituted by the House of Lords in this matter, he as a Member of the House of Commons, did not see that he was entitled to be called upon to wait for the opinion of another assembly upon any question whatever. He considered himself, as a Member of the House of Commons, fully competent to give his opinion, and he would do so without reference to the opinion or proceedings of any other body. Then, with respect to the question whether the vote of the House of Lords involved a censure upon the ministry. A great deal of difference of opinion seemed to be entertained upon this point. The right hon. Baronet denied, that it was a vote of censure. The hon. Member for Wakefield said, it went a great way towards it. The hon. Member for Wiltshire said, it was an implied censure; and a noble Lord had said, it was a *primâ facie* censure. An illustrious Duke in another place had said it was not a vote of censure. The Ministers, however, all said it was a vote of censure; and as for himself, as his experience in Parliamentary proceedings was not sufficient to enable him to say whether or not it was a vote of censure, he should, therefore give no vote at all on the preliminary question. He should adopt this course because he wished not to prejudice the right of the Ministry to appeal to the House if it thought proper. It might be that they had been too sensitive in taking to themselves a vote of censure; but, at the same time, he must say that his own impression was, that they would not have done right, after the vote of the House of Lords, if they had not come down to this House to ask its opinion on the subject.

Sir *E. L. Bulwer* thought, looking at the party with whom the vote of the House of Lords had originated, that there could be no doubt that it was intended as a vote of censure; and under such circumstances, he thought the Ministry against whom it was directed, could not do otherwise than come down to the House of Commons for an expression of its approval and confidence. The right hon. Gentleman (Sir R. Peel) had laid down the proposition that it was not proper to submit abstract resolutions, unless on a great emergency, or under peculiar circumstances. That was the right hon. Gentleman's general axiom; but he must say, that he could not conceive any circumstances more peculiar than the appointment of a committee by the House of Lords, which arrogated to itself a constitutional prerogative of the Sovereign; nor any emergency greater than the consideration of the whole policy pursued by her Majesty's Government towards a third part of the empire. The right hon. Gentleman had argued that the Government was not justified in calling for a partial vote of approbation on a particular branch of their policy. The answer to this argument was short and obvious—because one particular branch of their policy only had been called in question. The right hon. Gentleman asserted, too, that there was no ground of difference on legislative measures between the Government and the House of Lords, and that he did not see why the executive policy should be made the subject of a distinct vote of approval. Why, the plain cause of the Government's proceeding was, that though they did not feel themselves called upon to defend those I legislative measures which had been too often curtailed of their best provisions by those opposed to them, the executive government was at all events under their immediate and exclusive control, and that they could not consent to be made tributary to the views of the House of Lords. The right hon. Gentleman was very sarcastic on Lord Glenelg; but the right hon. Gentleman's manner neither suited the gravity of the subject, nor was it in keeping with his high reputation as a statesman; if the conduct of the ministry in Lord Glenelg's case was a fair subject for the right hon. Gentleman's praise, he knew not by what shifting of the cup and ball of rhetorical phraseology he objected to precisely the same course in the case of Lord Normanby, when his colleagues came down and said, "We claim our share in his faults and merits, and by them we are ready to stand and fall." The right hon. Baronet said, in resisting the resolution of his noble Friend the Member for Stroud, "We are not justified in a declaration of opinion without inquiry." This appeared to him a cutting commentary on the proceedings of the House of Lords, where "the uncertainty of life and property" had been assumed without any previous inquiry whatever. A motion had been made on the 14th of March for the production of papers; and on the 21st a committee was appointed, which these papers might show to be altogether uncalled for. The right hon. Gentleman in the second part of his argument maintained, that the Government had no right to seek a collision with the House of Lords. But had not that House called in question the constitutional prerogative of the Sovereign in exercising mercy, and was the House of Commons not justified in calling in question the grounds on which they had interfered with that constitutional privilege? The right hon. Gentleman's reasoning on this point placed him in a dilemma. The committee of the Lords was either a vote of censure or it was not. If it were a vote of censure the government was justified in repelling it by a vote of approval in the House of Commons. If it were not, there could be no collision. But was not the Government the best judges of what was, or was not a vote of censure? And if they, supposing, that it bore this construction, announced their intention to carry on the Government undisturbed by the acts of the House of Lords, and said, "we don't care a rush for your opinion, we shall go on as we have done hitherto," twenty collisions would not bring about such a systematic and consummate disregard of the views of the other House of Parliament. He thought, that no case had been made out for a committee of inquiry. So little faith did the right hon. Member for Tamworth, place in the progress of crime and demoralization amongst the Irish people, that his advice was to give them municipal reform, and the right hon. Gentleman the Member for the University of Dublin could not, with all his talents and influence, induce more than forty Members to listen on a former night to his catalogue of charges against his countrymen. The hon. Member for Belfast had last night repelled with indignation the charge of the hon. and learned Member for Dublin, that he was a reviler of his country, and indulged in general protestations of affection for the people of Ireland. He could not help thinking however, that both the hon. Gentleman and some of those who succeeded him took a curious way of testifying their good will by calling on Parliament to treat the Irish as a band of cut-throats and assassins, and by not only drawing up a bill of indictment against a whole people, but pronouncing a verdict against them without inquiry, and impugning the right of exercising any mercy towards them. It was a strange subject of delight to represent those who belonged to the same country as distinguished by atrocious barbarism and unmitigated crime. The case could not be established against Lord Normanby unless it was proved, that crime had increased under his administration, and, that the law had not been effectually put in operation. Now it could be proved by the returns before the House that the offences, which were peculiarly Irish, had diminished under his government, and that the proportion of convictions to the committals had increased. If there was now greater insecurity for life and property, the inevitable effect must be a diminution in the value of land. But he took the testimony of the hon. Member for Waterford, and he knew from his own experience, that landed property had considerably risen in that country. The government of Lord Normanby was, he contended, favourable to the Protestants, though, for party purposes, they so strongly condemned it. Had they not under that administration carried a tithe bill, which they never could have obtained from a government in unison with their own views? It might be a reproach that the Government passed that bill without the appropriation clause, but that was a taunt which should not come from the hon. Gentlemen opposite, for if they had been in office with the Orange lodges in full vigour throughout the country, instead of the mild and conciliatory government of Lord Normanby, the tithe bill would never have been accepted by the people. If the Protestants only showed a little indulgence to the population of their own country they would soon acquire a due share of the sympathies of the empire. They had property, station, talents, and they laid claim to an exclusive respectability. They must then attain their proper weight in the community, if they did not rouse the sense of justice by throwing their sword into the balance. He wished to ask the hon. Gentlemen opposite one question—"are you prepared to adopt the policy which you must be conscious will be forced on you by the great mass of your supporters, and take on yourselves the responsibility of office?" When the independency of our Indian possessions was threatened—when an insurrection in the colonies had broken out—and when Russia seemed by no means inclined to abandon her aggressive policy, it was considered imprudent to make any proposition in the House of Commons for an increased military force, and was this the time for the right hon. Baronet to take on himself the responsibility of sending four regiments into Ireland (for that number would be required) to keep down seven millions of our own subjects, by waging a tithe war, and to restore Orange domination? He knew that the right hon. Baronet had more enlightened opinions than to consent to go to that length; but he must abide by the views of the party which he had to deal with. They must govern Ireland through one party or the other. It was quite clear that the right hon. Gentleman had not the Catholic population in his favour, and if he were to come into power he would soon find that there was as much pressure from without on his side as had ever been charged upon her Majesty's Ministers. With regard to the more general question—if this were a proposition for a general vote of confidence he should ask his hon. Friend (Mr. Grote) to show him in the history of the country any administration more closely identified with great and imperishable ameliorations. He called on him, also, as a practical man, to show him the elements of any government which, on the whole, would keep better faith with the gradual development of popular civilisation. He lamented, as much as his hon. Friend, the tone of his noble Friend, the Member for Stroud, on more than one occasion. He did not consider the noble Lord to blame for not having done more in the present position of parties, but he did regret that various expressions had been used by him which had caused just resentment to a large class of his supporters, and which the noble Lord ought, if he had the opportunity, to explain. He did not think that this country was prepared for any great or radical changes, but it was perfectly impossible to have a stationary government with a progressive people. He was of opinion that the great mass of the middle class was not prepared to demand a new Reform Bill, but they wished that greater vigour and effect should be given to the Reform Bill which they already possessed. He thought they were very desirous to see a removal of the rate-paying clauses in the Reform Act. He conceived he spoke the sentiments of many moderate Reformers when he wished to see a short duration of Parliament, and he was certain he spoke the sentiments of the great majority of those to whom he alluded, when he said that they were desirous to be enabled to give their votes for Members of the Legislature without intimidation, without the harassment of undue influence and the practical sacrifice of loss of trade and comfort. He did not look on these changes as very extravagant. He believed that the people were even prepared to wait for them, but when the Government strongly opposed such reasonable demands they were driven to a state of exasperation and hostility. He could not see on what ground of policy or with what consistency those who cried out against the Government for not having gone far enough, should give their shoulders as a bridge to raise into office those who thought they had gone too far. But whatever might be the opinion of hon. Members on his side as to the general policy of the Government, they could have no hesitation, he thought, in supporting the resolution which was now submitted. On this question, as it appeared to him, rested not alone the fate of a government, but what was a great deal more—the fate of a people. It was impossible that they could refuse to a nation, whose priesthood they had humbled, and whose senate they had silenced, the demand which she made to take her children under the shelter of their laws.

Mr. *Litton* said, that in the few observations which he should address to the House in explanation of the vote which he intended to give in favour of the Amendment, he should not trouble them with any of those wearisome details to which he was aware he could scarcely, on the present occasion, expect their attention. But this he would say, that after the experience of that House and the public of the contradictory and conflicting statements invariably made on all subjects and matters of fact connected with Ireland, the public—the English public especially—had a right to know on which side the truth lay. The statements made were, if true, of the most grave and important character. He did not then stand up to claim for hon. Gentlemen on his side of the House full credence, nor would he admit the contradictions given by hon. Gentlemen on the other side; but this he did say, that the House of Lords were entitled to institute the inquiry—that the British public were deeply interested in its results, and the only motive that he could discover for the resolution of the noble Lord was, that the inquiry should be crippled by the vote to which he asked the House to come. Was it then fair or proper in that House to assent to a resolution which could have no other result? But Ministers said, it was a vote of censure. Certainly nothing but a vote of censure could justify them in coming down to that House, and asking for a vote of confidence on a small and isolated portion of their policy, in order to prop them in their present tottering condition, and for a short time longer delay the fall to which they were hastening. But what right had they to construe it as a vote of censure? Who could state what was intended by it except those who supported it, and the highest authorities in the House of Lords had denied that it was so intended? The real object and effect, then, of the vote of confidence would be to cast an odium upon the inquiry, and to cripple the means of ascertaining the truth. He would appeal to English Members on both sides of the House whether it were not desirable that the accuracy of the various conflicting statements on Irish matters should be tested. He appealed to them whether there was any subject on which so much valuable public time was wasted as on the various party statements relative to Irish transactions, and whether it was not most desirable that this conflict should be terminated by the judicial inquiry and decision of a committee. Now that was one issue. Again there was another. It was asserted by hon. Members on his side of the House, that Lord Normanby, by the manner in which he exercised the prerogative in Ireland, had injured the administration of the law in that country. This was denied by hon. Gentlemen on the opposite side. How, then, could this disputed and important fact be settled otherwise than by the investigations of a committee? It was also stated, and also denied, that Lord Normanby had not only injured and rendered difficult the due administration of the law in Ireland, but that he had expressly interfered with its execution, as in the case of Major Miller. Here, then, was another important issue. Why, then, should that House be called on to cripple an inquiry of so grave a nature? He called upon the House to countenance no more squabbles respecting Irish matters, such as had consumed the public time and exhausted the public patience; but, by countenancing the motion of the House of Lords, to give every English Member an opportunity of forming his own judgment on the pending question. He thought that the Government had shown the greatest partiality for persons of certain religious opinions in Ireland—that they had done infinite mischief by the encouragement and promotion of agitation, and individuals connected with societies having that object; that the present insecurity of life and property in that country was entirely owing to the course they had taken; that, in short, their policy had been the ruin of Ireland. Hon. Gentlemen on the opposite side, he presumed, believed the contrary. Both sides, he was free to say, were conscientious in their convictions. But that only furnished another argument for the approval of the resolution of the House of Lords, inasmuch as it pointed out too distinctly to be misunderstood the necessity of some further information than that already adduced on the subject at issue. He felt confident that the result of the inquiry would be disapprobation of the English people, and the disgrace of the Government. Hon. Gentlemen on the other side, he supposed, took a contrary view of the case. Why, then, not join issue on it? Why not wait for the report of that committee, and refuse the resolution of the noble Lord the Member for Stroud? He regretted that the language employed by hon. Members on the other side of the House compelled him to state it as his firm conviction that the policy at present pursued towards Ireland by her Majesty's Government was utterly ruinous to that country. Never was there a period in its history when the people were more violently torn from all the established relations of society—when the ties between landlord and tenant were so thoroughly and completely dissevered. It was not owing to the gentry that such was the case; they were the same now as they had been years ago, when no such state of things had existence; it was entirely owing to the tyranny of those whose trade was agitation, and who, in pursuance of that obnoxious calling, had driven the misguided people to the greatest lengths for their own political purposes. At no period of Irish history were the landlords so entirely expatriated from the country, or British capital so completely prevented from being laid out in the improvement of the condition of the people. Did not all these facts—and he challenged hon. Gentlemen on the other side of the House to deny them—did not these facts prove the necessity of inquiry? And was it so light a thing, he would ask, to reject it when its avowed effect was a discovery of the causes which led to that lamentable state of things, and the application of a remedy for them? It had been said, that, if a Conservative Government held the reins of power in Ireland, a rebellion would be inevitable. That threat—for threat it was intended to be—he treated with the utmost contempt. Because he was thoroughly convinced that, even if such a thing was attempted by the agitators of that country, the good sense and right feeling of the people would soon suppress it. Indeed he firmly believed, that the mass of the population in Ireland, especially the peasantry, would rejoice at nothing more than to be released from the grinding tyranny of these agitators—for he was satisfied that it was more felt by them than even by any others. And it was his sincere belief that they would consider themselves far happier under a settled Government, which had both the will and the power to protect them, than they now were under the despotism of those who made their passions and prejudices the stepping-stones of their ambition. With respect to the number of petitions from Ireland on the subject of the motion before the House, he would not deny that they were great in number; but he most assuredly would not admit, that they represented the wealth, the station, the character, or the respectability of the country. On the contrary, the vast body of the intelligence of Ireland was opposed to the policy of the Government, and believed that it was the ruin of that country. The hon. and learned Member for Dublin had adverted to one of these petitions, and in presenting it to the House he had stated, that it came from the most numerous and influential meeting ever held in the city which he represented. But what were the facts of the case? He had it under the handwriting of Alderman Archer, once Lord Mayor of Dublin, that he had intended to propose a resolution to the effect that "an Address be presented to her Majesty detailing the evils brought on Ireland by the policy of her Ministers, and praying her to dismiss them from her councils;" that he had presented it to the chairman, the Duke of Leinster, to put, and that it had been prevented from being put by brutal force, only short of blows and violence. He had been told, that if he attempted to bring it forward he would be "kicked out." These were the words.—[Mr. *H. Grattan:* it was not so. I was at that meeting, and I did not hear it.]—He had no doubt that the hon. Gentleman was at the meeting, nor, as he had said it, that he did not hear the words; but he did not think that statement at all invalidated the written testimony of Mr. Archer, who was to have proposed that resolution: Mr. White, who was to have seconded it; and Mr. Walker, who was present all through the occurrence. After this fact, he would ask the House whether that petition more than any of the others could be regarded as the free expression of the opinions of the entire meeting? The Duke of Leinster said to Mr. Archer, that he could not put his motion as it was not in favour of the avowed objects of the meeting. Was not that a sufficient proof that it was got up in a House filled with predetermined supporters of the Government, and consequently foes to all free discussion? The hon. Member for Meath alluded the preceding night, in very strong terms, to Orange Societies in Ireland, and proceeded to condemn them in no measured manner. Now, he never belonged to any Orange Society whatever, and, therefore, his testimony in respect to them could be no otherwise than impartial; but he felt it to be his duty to say, that he believed there never existed in any country a more thoroughly loyal body of men than were the Orange Societies, nor men who had proved themselves so entirely devoted to their king and constitution. If any evidence of that fact was required, it would be found in the circumstance of their immediate dissolution the moment the pleasure of his late Majesty was made known respecting their association. It had been urged that there was a division in the Conservative camp; and the circumstance of a late vote on the Irish Municipal Corporations bill was adduced in proof of that allegation. Now, he had voted against the second reading of that bill, in opposition to the course taken by the right hon. Baronet, the Member for Tamworth; but what did that prove? Only that he and those who acted under the right hon. Baronet were men of independent opinions, taking different courses to one great object, in which they all concurred without the slightest shade of difference. He (Mr. Litton) had opposed that measure, not because he wished to withhold municipal rights from his fellow-countrymen, but because he had it distinctly admitted by hon. Members opposite that these corporations would, when formed, become "normal schools of agitation" in the country. The noble Lord (J. Russell) had spoke of the Ministry as a falling Ministry. He (Mr. Litton) firmly believed it to be a falling Ministry. If it fell, it would not fall in the words of the noble Lord, because of its desire to knit together in one bond of union and peace the hearts of all her Majesty's subjects, but because the sense of the country was against it, because the public withheld its confidence from it, and because the voice of the people pronounced it imbecile, feeble, inconsistent, and wholly unfit to govern a great nation.

Mr. *Pigot:* It is not my intention to engage in a discussion with reference to what passed at the meetings at the theatre in Dublin, or with reference to any transactions which were intended to take place there, but did not take place. Neither is it my intention to go into some of the topics that have been touched upon by my hon. and learned Friend who has just sat down; and certainly least of all do I intend to trouble the House with any observations upon the subject of Irish municipal corporations. I may, perhaps, be permitted to congratulate my hon. and learned Friend (Mr. Litton) upon having shed rather a new light upon the present motion, as well as upon the resolution of the House of Lords; for I think it has for the first time been suggested by him that the object of the inquiry in the Lords is, not to ascertain the extent of crime, or the cause of crime, in Ireland, but to go into a transaction which has over and over again been discussed in both Houses of Parliament, namely, whether upon the subject of writs of rebellion, Government have extended enough or too little assistance to carry into effect legal rights resulting from the decisions of the legal tribunals of the country. My hon. and learned Friend says, that the Government of Ireland have exhibited gross partiality; and he seemed to me to think, that a part of the inquiry connected with the charge of partiality which was to make a portion of the subject of consideration before the Lords' Committee was the association of the Government with certain politicians in Ireland. These are topics upon which I will not touch; but I beg to call the attention of the House to other matters more immediately connected with the real subject now before it, and which were a good deal dwelt upon by an hon. Member who spoke on the opposite side of the House yesterday evening. In the progress of that portion of the debate which has already passed, I certainly watched, with considerable anxiety, for some opinions, some arguments upon matters connected with the administration of the law in Ireland, which in all former discussions have invariably been touched upon. And I certainly heard propositions laid down—propositions containing affirmations of fact—and opinions expressed, with respect to the principles which ought to guide the administration of the law in that country, which I listened to with the utmost astonishment. The manner in which those propositions were put forward, renders it imperatively necessary that, with respect to some of the topics referred to, I should trespass a little upon the attention of the House. The hon. Member for Belfast, in the course of a speech which certainly did not appear to be an ill-considered piece of declamation, which was not only received with sanction and applause by some of those on the opposite benches who heard it, but which I find is likely to be communicated, to be read and considered in other parts of the empire—the hon. Member for Belfast, whose speech is reported with such extraordinary accuracy in one of the morning journals of to-day, has advanced propositions, in the nature of charges against the Irish Government, and against their conduct in the administration of the law in Ireland, which it will be my duty shortly to show to the House are, so far as they are affirmations of fact, utterly unfounded; and so far as they are coupled with the expression of opinions upon the principles which ought to guide the administration of the law in either island, have no sanction from any thing that has ever yet been recognised as sacred in the administration of British law. In the first instance, the hon. Member has referred to the recent special commission in the county of Tipperary, and intending, I presume, to contrast what happened there with what happened in the same place in former periods, he has represented the selection of juries as having been made by sheriffs, appointed for the very purpose of corrupting justice at its foundation. He refers to the special commission of Tipperary as presenting a striking contrast with all that previously occurred in the administration of the law; and then he goes on to state, for the purpose of making out his proposition, that which I will read from his own words. [" *Order.*"] I beg pardon of the House. The substance of the charge, then, is this —that, encouraged by the system which is thus alleged to have been adopted by the Government of Ireland, the persons who were put upon their trial for murder at the special commission in Tipperary having first endeavoured to impeach the panel, and having been defeated in that attempt and having exhausted all their challenges, were at length compelled to submit to a tribunal differently constituted from any that previously existed in Ireland, and the consequence was a conviction. Why, Sir, with reference to the county of Tipperary, I would ask the hon. Member for Belfast whether he were aware that in former instances the sheriffs of that county were differently constituted; whether, in fact, the mode of appointing the sheriffs had differed in the slightest degree from that in which Mr. —— was appointed, who was the sheriff during the period to which the hon. Gentleman referred? For my own part, I am not aware of any such difference in the mode of appointment of that high public officer; I know of no change having taken place in the course adopted in appointing the sheriff of Tipperary; neither am I aware that the Government was ever held responsible for the appointment of former sheriffs. But this I can tell the hon. Member, that so satisfied were the prisoners, on that occasion, with the constitution of the tribunal before which they were brought, that they left several of their challenges unexhausted; and were finally tried by a jury, nine of whom were Roman Catholics and three Protestants. On that jury there were persons not only of every religious creed, but of every shade of political opinion. Again, the hon. Member for Belfast proceeded to charge the Government upon a subject to which allusion had been so frequently already made, I mean the selection of jurors, but concerning which, I think, the House has not as yet been sufficiently informed. It has not hitherto been put in full possession of what has been the course adopted in Ireland with respect to that subject. The hon. Gentleman has arraigned the government in Ireland for having abandoned that right which the Crown formerly exercised in the selection of jurors; of having surrendered the right of putting aside persons not qualified by feelings of impartiality to discharge the solemn duty of jurors. Now, with reference to this charge, I would, in the first instance, beg the House to consider that the practice which has prevailed in Ireland with respect to the right of the Crown to set aside jurors is different from the practice which exists in England. It was a practice founded upon ancient usage, and in part recognised by a law peculiar to that country. It was a right which had been exercised without control, without responsibility, without any limitation whatever, except the mere discretion of the individuals who were invested with the privilege of putting aside jurors in courts of assize, and other places in which criminal prosecutions were conducted. When in 1835 the present judge Perrin was appointed attorney-general for Ireland, he, conceiving that the time was come when a practice not observed in England ought in Ireland to be placed under new regulations, instructed the different Crown solicitors thus far to alter their practice—in the first place, he directed that no person should be rejected on the ground of politics or of religion. In the next place, he directed that if any well-founded objections existed against any individual on the panel, the Crown solicitor should have the power of setting that party aside; but he, at the same time, required that this should be done by a responsible officer, who should be liable to be called upon by his superiors to account for the exercise of that discretion, and that there should not in future be given to the party, thus invested with this species of discretion, an unbounded power to exercise it. Mr. Perrin further fettered that discretion by requiring those who had to discharge the duty of challenging jurors on the part of the Crown to specify to him the objections made against the party rejected, and the grounds upon which those objections were made. The whole charge then made by the hon. Member for Belfast against the government in Ireland for the course thus adopted—admitting, as I think hon. Gentlemen on the other side have already done, that no man ought to be set aside on the ground of politics or religion—must fall. The purport of the complaint of the hon.

Member for Belfast is this—stated affirmatively—that where objections exist, independently of politics and religion, there ought to be no bounds to the discretion of the person by whom the right of objection is exercised; that, in fact, there ought to be, for this purpose, power without responsibility. But when the hon. Member says that the Crown has altogether abandoned the privilege, he states that which is utterly inconsistent with the established practice in Ireland. When he complains that a particular individual invested with power has been called upon to state his reasons for exercising it, he seeks to establish a course of proceeding in Ireland which is utterly inconsistent with every principle recognized in this country, and which I trust no British House of Commons will ever sanction. I cannot conceive anything more likely to produce general dissatisfaction with the administration of the law, than to present to the public a prosecutor in a condition of being empowered to pack the tribunal by which the prisoner he prosecutes is to be tried. I cannot conceive anything more completely at variance with all those principles which have been sanctioned by the Legislature, as well as by all who have thought upon the subject; or anything more alien to those principles which our law from time immemorial has maintained and defended; and which has established this as a rule of policy, adopted and embraced in all legislation—that you are not to make punishment a mere matter of vengeance; that punishment is not for the purpose of wreaking the animosities of the state upon the individual who has transgressed its laws, but for the purpose of holding up an example and a warning to evil doers. What is the principle upon which those amendments of the criminal law, which they who have ceased to belong to this House, who are lost to the Legislature and to their country, urged upon the British public, and, after years of discussion, ultimately carried, not only with that public, but with this House itself? What was the principle of those very measures which were originally suggested by that able and excellent man Sir Samuel Romilly, and afterwards supported and carried out by the right hon. Baronet opposite; and which have since been further amended by the noble Lord, who has introduced the present motion? What is the principle of those changes by which you have mitigated those penalties which at once disfigured and disgraced your statute book? Why, it is this: that you are to carry with you the sense of the community; that you are to guard against enlisting in favour of the culprit, at the very time he is about to take his trial, the sympathies of the public; and above all, that you do not, by the ill-apportionment of the punishment to the crime enlist in his favour the sympathies of that class upon whom his punishment is intended to operate as a salutary warning. I ask the House whether they can conceive a situation more calculated for the violation of this very principle, already incorporated in your law; more calculated to interfere with the due administration of justice, and divert it from its purpose, that of the reformation of the culprit, and of terror to others; or more calculated to enlist in his favour not only the sympathies of those who may belong to his own unhappy class, but of that portion of the community who may be utterly indignant at his crime, than to have the jury who are to decide upon his life or death packed and selected by the prosecutor, and to have that prosecutor exhibited not as wielding the power of the state for the purpose of detecting guilt, and punishing it as an example, but as one to be regarded in the light of an enemy, seeking to beat down the criminal by means of a jury fashioned by himself to that end, he having previously ascertained what their opinions were. Instead, then, of treating this as a charge against the Irish government, it is one of the circumstances connected with the administration of the law in Ireland under the Marquess of Normanby to which he, and those who acted with him, may, in my opinion, hereafter look back with pride. That change, guarded as it has been—and why guarded? —because you cannot all at once introduce into a society, which has been rendered diseased by long misgovernment, those salutary changes which are adapted to a better condition of society—that change—but guarded as it has been, leaving still the opportunity of determining whether in any particular instance it may not be a just course to remove a person from the panel upon the ground of partiality—guarded as it has been, I do contend for it, that the change which has been thus made has removed a foul blot upon the practice formerly pursued in the administration of justice in Ireland, and I trust by whomsoever justice is administered in that country from that change they will never swerve. I was perfectly amazed by another charge brought against the Irish government by the hon. Member for Belfast. He says—and mark, he says it in the presence of individuals belonging to the profession of the law in Ireland, I am not sure, indeed, that he did not himself once belong to it—and of persons who have acted as jurors, both petty and grand—he affirms this broad proposition, that the right of reply on the part of the counsel engaged in prosecution has been abandoned by those to whom the administration of the law has been intrusted, and he was cheered in his statement of that charge. I do not think that either of the two hon. and learned Gentlemen whom I see opposite could have heard that statement and joined in that applause. I can refer the hon. Member for Belfast to an hon. and learned Gentleman on the other side as an authority for one instance, at least, in which that right was exercised. It was in a case in which a Roman Catholic priest, being the party charged, and a Roman Catholic counsel, being the prosecutor for the Crown, that Roman Catholic counsel spoke to the evidence against the culprit, and the result was a conviction. And yet these are charges deliberately made, put together after some long preparation; published word for word as they were delivered; every one of the statements of fact pointing to a distinct charge against those concerned in the administration of the law, for having abandoned it to a set of persons who were conspiring against society. These are the charges which the hon. Member took up a considerable portion of time in stating, and a very large portion of a printed paper in circulating to the public. I am therefore bound, at the hazard of occupying too much of the time of the House, since the hon. Member has resorted to these means for circulating the poison, at least to see if there be not some chance of circulating the antidote. The hon. Member having exhausted his charges with reference to the administration of justice, then proceeded to advert to the dispensation of patronage among the members of the Irish bar. I was equally amazed to hear an Irish Member declare in his place in this House, that during the entire period of Lord Normanby's administration not one single person had obtained the little honour of a silk gown at the Irish bar who did not belong to a particular creed in religion, or to some particular code in politics. Some hon. Friends of mine may have told him that Mr. Collins—a man who stands deservedly high at the Irish bar—belongs to a party different from that which gave its support to Lord Normanby's government. They might have told the hon. Member that Mr. Miller, Mr. Brooke, and others whom I could name, were selected for that species of patronage —not patronage should I call it—but that kind of advancement in their profession which was not merely due to them, but to their clients. As the hon. Member for Belfast was not, in former times, as well acquainted with the policy of other administrations as he appears now to be with the opinions of the party by whom that policy was conducted, I will place in contrast with that which I have just stated—I mean those honourable and just preferments which I have described—something that occurred in former administrations. This House has seen something of the person who is now an ornament of the bench in Ireland; they did, however, not witness the career of that gentleman when he ornamented the bar; but I can tell them, that during the greater part of his long professional life, Mr. Perrin—being at the very head of the common law bar in Ireland—employed in almost every case, trusted by every client, practising in every court, was doomed to see persons, his inferiors in professional station, his juniors in years, his juniors in standing, elevated to that position to which he was entitled, but from which he was debarred, and was placed under the ban of that political proscription which prevailed in Ireland during that long series of years in which the party to whom the hon. Gentleman has allied himself held undisputed power. I know that Mr. Perrin received a silk gown from that party: he received it during the latter days of Lord Manners's chancellorship. But I know this, also, that he did not receive it as is generally understood: he did not receive it until the judges of the court in which his practice principally lay remonstrated with the Chancellor upon that gross injustice—an injustice not to him, but to the clients, who were injured by his having been debarred from that advancement to which his abilities long before entitled him, and which was conferred at a period when he hardly required it,—I wil not further speak of this subject. The topic is at least an unfortunate one, for it presents a contrast by no means favourable to the cause which the hon. Gentleman espouses—a contrast, however, which is not, I believe, peculiar to Ireland, for I think I have read something of what has occurred in this House on former occasions, when complaints were made of exactly the same system of exclusion being adopted in Scotland, and most undoubtedly to a large extent in England; but particularly in Scotland was it the subject of the loudest complaints. If I am wrong in my recollection in what I state, why then, what does it come to? Is it not this—that the government in England in its dispensation of that part of its patronage which had reference to the bar, acted with perfect impartiality; that with reference also to its dispensation of patronage to the bar in Scotland it acted with equal impartiality; and that it reserved the whole of its partiality for Ireland, that in Ireland alone those privileges to which the Irish bar were entitled were withheld, and its members were proscribed in consequence of the particular political opinions which they held. Another most singular charge has been made by the hon. Member for Belfast. He says that "not one single person has been elevated to the bench in Ireland who could not pronounce the shibboleth of faction, and would not join in worshipping the dagon of agitation." Why, Sir, I will not enter into a justification of the appointment of Judge Perrin, of the Master of the Rolls, Sir Michael O'Loghlen, of Mr. Wolfe, now chief baron in Ireland. I will not enter into a justification of their appointments. I leave the matter to the recollection of the House—I leave it to their recollections of those honourable judges; believing that to what has fallen from the hon. Member, at least as far as this House is concerned, some antidote will thereby be applied. There is another charge of the hon. Gentleman which would be just as strange and astonishing as either of the former, to any one who had not heard the previous charges. It has reference to a topic which has been the subject of considerable discussion here and elsewhere; I mean the Board of National Education. The hon. Member said, "it is an establishment whose regulations render it inaccessible to one class of the population, whilst they inculcate and confirm the prejudices of the other;" and he declared that that establishment does not at this moment contain one single functionary, commissioner or officer, teacher or trustee, who was not either a member of the favoured religion or a follower of the dominant faction. Need I tell the House that Dr. Sadleir, the Provost of Trinity College, belongs to that class to whom this establishment is said to be unacceptable—that Mr. Holme, the barrister, belongs to that class—that Sergeant Greene, who was once the law adviser of the Crown in Ireland, belongs to that class? Upon that subject, however, I shall not proceed further; but I cannot help adverting to another point upon which the hon. Member has expressed an opinion. Referring to the subject of crime in Ireland, the hon. Member says he will not go into a calculation. It is quite enough for him to state that there were 27,000 criminals in Ireland in one year. Now, if I were asked by what facts I would seek to show that there has been in Ireland an improvement in the administration of the law, I think that I should be inclined to say, first, that I should expect that there would be some diminution in the number of the graver offences; secondly, that I should anticipate a considerable variation in the amount of minor offences, testifying the increased vigilance used for carrying the law into effect; further, that I should anticipate that the proportion of convictions, in reference to committals, would also be increased; and next, that I should suppose that the number of prosecutions which had failed would be diminished under that administration. I will just read to the House what have been the results on all these points, and I trust that they will bear with me for a short time. In the first place, Sir, the hon. Baronet who spoke last but one, in this debate, was quite correct in his assertion, for there has been in the number of the graver offences, a marked diminution. I will tell the House the results from 1834 to 1838, as shown by the police returns. Homicide has diminished 13 per cent.; firing at the person has diminished 55 per cent.; incendiary fires have decreased 17 per cent.; burglaries have decreased 58 per cent.; stealing cattle has diminished 46 per cent.; killing or maiming cattle has diminished 12 per cent.; the administration of unlawful oaths has diminished 66 per cent.; illegal notices have diminished 44 per cent.; attacks upon houses have diminished 63 per cent; illegal meetings have decreased 70 per cent.; and levelling houses has diminished 65 per cent. On the subject of convictions in proportion to committals, comparing the years 1823, 1824, and 1825, with the years 1836, 1837, and 1838, the convictions have increased in proportion to committals from 28 per cent. to 43 per cent.; the non-prosecutions in proportion to the committals have diminished from 34 per cent. to 21 per cent. Comparing the years 1822, 1823, and 1824, with the years 1836, 1837, and 1838, the convictions have increased in proportion to the committals from 36 per cent. to 43 per cent.; and the non-prosecutions have diminished from 37 per cent. to 21 per cent. Comparing the year 1834 with the year 1838, there has been this remarkable result:—It appears that the convictions have increased from forty per cent. to forty-seven per cent. on the committals, whilst the failures by no bills and no prosecutions have diminished from thirty-six per cent. to fifteen per cent., or about five-sevenths. All those results, Sir, I have taken from printed documents: they are not drawn up from the reports of the clerks of the peace and of the Crown, but they are taken from records which are a check upon those returns, and are made by the inspectors of prisons from the gaol books themselves. Hon. Gentlemen do not seem to be aware of the simple machinery used in making those returns. There is, Sir, an act which was passed twelve or thirteen years ago, appointing local inspectors of prisons: they are almost all clergymen, they are all men of respectability connected with the different districts, and they are in constant correspondence with the inspector-general of prisons; and, finding on merely glancing over the returns the errors of the seventy or eighty clerks of the peace and of the Crown, who act without any responsibility in making the returns, and without any salary, these local inspectors looked over the books of the gaol, and discovered a great multiplication of offences in the former returns; and so far from making a careless return themselves, they actually took account of every individual in custody, and transmitted his name to the inspector-general of prisons. The hon. Gentleman opposite shakes his head, as he did last night when a statement was made by an hon. Gentleman near me, and as a contradiction is ventured, I will, with the permission of the House, read a short extract, and as the subject has been much canvassed by hon. Gentlemen on both sides of the House, and as it depends entirely upon documents, it will be impossible to do justice to the Government or to the nation over which it presides, unless the attention of the House be called to the real nature of the documents, and of the facts which they disclose. And, Sir, if I wanted any evidence of the faultiness of the one set of the documents, and of the full truth and worthiness of the other, I would refer only to the evidence, which by a fortunate accident I possess, on these returns, as furnished by the clerks of the peace, by the local inspectors of prisons, and of the inspectors-general of prisons; and my assertions will be found confirmed by the testimony of all these parties. First, Sir, I will read an extract from a letter of Mr. Sadleir, the clerk of the peace for the county of Tipperary, as to the mode in which the returns of the clerks of the peace and of the Crown are made. He says:—

> "With reference to the annexed criminal returns, I beg leave to mention that, as clerk of the peace, I have no means of ascertaining the number of committals in the year. I can only give a return of the number of persons included in the different bills of indictment at each session. So if one person is indicted for three offences (suppose riot, rescue, and assault), by the annual return he appears as three."

These, Sir, are the returns from which the hon. Member for Belfast took his 27,000 offences, and these are the returns which deluded an illustrious Duke in another place. I am sure, that the noble Duke was the least likely person to make any statement which he did not believe to be founded in fact; but it was from these returns, thus prepared, that the noble Duke took the number of 700 murders. The letter of Mr. Sadleir proceeded:—"And if his trial is postponed, he again appears as three, consequently, the annual returns are incorrect as to persons." I will next refer to a communication from a local inspector of prisons in the north of Ireland—the Rev. Mr. Clark, a local inspector in the county of Donegal; and he says, that the returns of the clerk of the peace for 1838 contains no repetition of the names of the same person indicted at the same sessions; and why? Because the clerk of the peace's office is a few yards from the gaol, and the inspector was often with him when he prepared the returns, and strictly charged him not to return the same man more than once, unless he was charged with a distinct and separate offence. The reverend gentleman thinks, that he gave the same directions with respect to the returns in the year 1837, but if they would examine the returns for the years 1835 and 1836, they would observe, that the same persons for the same offences were often repeated. Even in the returns of 1838, the reverend gentleman says, that he did not prevent the same person being returned for the same offence at different sessions, and that there were, in fact, after all his care, twenty instances of the same persons for the same offences being returned twice, and one instance in which the same person for the same offence was returned three times. He gives, Sir, a list of the persons twice returned, and it seems that ten persons who stood No. 9 in the calendar in April, stood No. 2 in the calendar for June for the same offence; and that four persons who stood No. 26 in the calendar of April, stood No. 1 in the calendar for October for the same offence in the same year: thus ten persons counted for twenty, and four persons counted for eight. The letter containing this statement was written to the inspectors-general of prisons, and it is, Sir, at my request, that I am permitted to refer to it. It is stated by the inspectors-general, that they have adopted a mode for preventing similar errors in their returns: they call for local returns of the number tried at the assizes and at the sessions, and the list is made from the gaol books which contain indiscriminately the number of persons brought before the assizes, the quarter sessions, and those summarily convicted. The information is obtained by the inspectors who are upon the spot, and who are in constant communication with the superior officers; they make the returns from the gaol books themselves; and, with this simple statement, I will leave the House to determine which set of returns is likely to be most correct. The calculations, Sir, which I have exhibited are drawn from those authentic printed documents to which every Gentleman in this House has access. They have been prepared, after a careful examination of the returns, and for their comparative fidelity I will take upon myself to vouch. I believe, that the House is in possession of the change which took place shortly after the accession of the Marquess of Normanby to the administration of the affairs of Ireland in the police force serving in that country. If I were asked for evidence of the establishment of a vigorous administration of the law, I would at once point to this change, and if I found, that adequate means had been taken to produce the results which I have described, I confess that I could not attribute those results to any misconduct on the part of the Administration over which the noble Lord presided. In 1835, when the Marquess of Normanby assumed the vice-royalty, the police force was under the guide of local officers; it was selected by the magistrates; local influence must have prevailed; there was no central management, and there was no uniformity of discipline. One of the first acts of the Marquess of Normanby's Administration was, to bring forward a proposal for a change in the police force in Ireland, for the purpose of giving to it that efficiency, and of imparting to it that unity which, at the present moment, exists. In 1835, the measure was brought forward; difficulties at first prevented its passing, but it was ultimately carried, and it is now the law of the land. And what, Sir, is the nature of that force? It is under the guidance of one head sitting at a central office, and having correspondence with all parts of the country; he who guides it can see at a glance the operation of all parts of the force, and he has a control also over the selection of the inferior officers, preventing the danger to be apprehended from local influence, and administering the whole arrangements with care and with discretion. Suffer me, Sir, to read a few lines from a valuable public document which within the last few days has been laid upon the Table of this House. Those Gentlemen, Sir, to whom was committed the task of investigating the state of crime in England, and of reporting the nature of the police force which they would recommend for England, say—

> "That it is essential for the efficiency and attainment of all compatible service from a constabulary force, 1st, that the constables should be trained or appointed from a trained force; 2dly, that neither, by appointment nor otherwise, should they be privately connected with the dispute in which they act; 3dly, that they should at periods be changed from district to district; and, 4thly, that whilst they should act under local direction for the performance of various local and administrative duties, for the repression of the practices of migratory depredators, vagrancy, and offences which concern the community at large more than the particular locality, they must act under general rules and principles, and in subordination to general directions from one general and responsible executive authority."

That, Sir, is exactly the description of force which was adopted by the Marquess of Normanby in Ireland, in the stead of the force which then existed there; and nothing can show more the efforts of the Government for a vigorous administration of the law, than putting such a force into such active and useful operation, that notice is given within twenty-four hours of every graver offence; and I may be allowed to add, that it may be perhaps of advantage, and do credit to this country if she should yet profit by the example. I will not detain the House longer. I think that I have stated enough to satisfy every man who will read the documents, that all the crimes of a graver nature are in a course of actual diminution; that whatever may be the total amount of crime, the proportion of convictions to committals has greatly increased; that the number of failures in prosecutions has been much diminished; and that, if there has been any increase in the number of convictions, it has resulted from the better enforcement of the law. And if, Sir, I point to means taken adequate to produce such a result, will the House say, that the Administration under which this has occurred has not proved useful to the country, or will they affirm, that any other facts contradict these results? For myself I must affirm, that whatever may be the general notions of hon. Gentlemen relative to our policy in Ireland, yet if they are content that our policy should be tested by experience, I have stated enough to entitle us to the support of this House and of the confidence of the country.

Mr. *Shaw* said, that many of the topics upon which the hon. and learned Gentleman who had just sat down had dilated—he would not say improperly, since they had been introduced into the debate by speakers on his own side of the House—were altogether foreign to the subject of the present debate. He thought that some of the observations of the hon. Member for Belfast had not been rightly stated by the hon. and learned Member who had just sat down. The hon. Member for Belfast had not, as he understood, objected to the appointment of sheriffs in Tipperary, but particularly in Sligo; as well as generally throughout Ireland; and as to the appointment of sheriffs in general, he (Mr. Shaw) would make one observation. He believed that the committee appointed by the House of Lords last year had produced a very salutary change in the practice with regard to the removal of sheriffs. With respect to what had been said by the hon. and learned Member upon the practice of challenging jurors, he (Mr. Shaw) must say it would lead to the greatest inconvenience if it were necessary always to assign the reasons of such challenges. Then the hon. and learned Member had alluded to Judge Perrin, and had adduced that learned individual as an example of the improper influence which political consideration had exercised in obstructing professional advancement. But what was the fact? He thought he could state from his own personal intercourse with the learned person alluded to, that no counsel junior (at least in business) to Judge Perrin had been put over his head. He believed that Mr. Perrin did, in fact, receive a silk gown as soon as he desired it: Would the hon. and learned Gentleman name one junior who had been put over Judge Perrin's head? Then with reference to the discrepancies between the returns of the town-clerks and the clerks of the peace and those of the inspectors of prisons, he must say, that the explanation of the hon. and learned Gentleman took him rather by surprise, inasmuch as it differed as much from the explanation given upon the same subject by the noble Lord the Secretary for Ireland as these two classes of returns did from one another. The Act of Parliament required the clerks of the peace to return the number of persons, not the number of offences, and if they had returned the number of offences they had acted in violation of the Act. Again, the hon. and learned Gentleman had said that the inspectors of prisons returned the names of none who were not actually in custody, but that would also be a violation of the law, for it was provided that the inspectors should return the names of all persons brought to trial, whether they had been in custody or not. The account of the matter from the inspectors-general of prisons themselves is given in a Note appended to their Report of 1837, was totally at variance with the account which had that night been given in their name, and all he could say was, that with the *data* at present existing, it was impossible to get at any true result. All his observations had been directed to the inaccuracy of the returns; he maintained that all the returns were inaccurate up to the present moment, and that no dependence could be placed upon documents in which three persons might be returned instead of one. That was the reason why he thought information necessary. But the House, after all, ought not to suffer its attention to be diverted from the main question, which was whether, supposing crime to exist in Ireland even to the degree admitted by the noble Lord, the Secretary for Ireland, it was fitting for that House to call in question the undoubted right of the House of Lords to inquire into the subject, especially after that House had itself directed an inquiry of a similar nature, and before any result had been arrived at in that inquiry. The noble Lord denied, that there was any resemblance between the inquiries directed by the two Houses, and said, that the returns which he had moved for were quite of course; he could not assent to that proposition; those returns were far from being of course; among other subjects which had never before been laid before the House, they would include all papers relating to ribandism, as well as the memorials of the magistrates to the Government and the answers to them. The noble Lord had said in the former debate, that Lord Normanby could not proceed to undertake the administration of the Colonial Department with the expectation of some Parliamentary proceeding respecting his conduct as Lord-lieutenant of Ireland. Then when that was taken, he would ask the Government, of which that noble Marquess formed part, why they had twisted this resolution of the House of Lords for a committee of inquiry into a vote of censure? He could safely say that it was anticipated that it would be received as a vote of that description by those who supported the resolution; and, in fact, that was sufficiently manifest by the smallness of the majority on the motion, which made it perfectly clear that it was not considered as a party question. If, however, an opinion was to be given by the House upon the noble Lord's (Lord John Russell's) resolution, then he (Mr. Shaw) was bound to state his conviction that the course pursued by Lord Normanby did not tend to the effectual administration of justice nor to the general improvement of Ireland. In making that declaration, he (Mr. Shaw) was as anxious that there should be no misconstruction or misunderstanding of the principles which he would approve, as of those which he deprecated in the executive Government of that country. There was no mistake more common, in speaking of Ireland, than to represent every public man in that country as holding extreme political opinions, and to charge all persons who disapproved of agitation and its accompanying evils with belonging to what was termed the Orange faction. He was, however, surprised to find that the right hon. Gentleman the Chancellor of the Exchequer did not think it unworthy of him to revive the old and often refuted charge against Lord Haddington about the Orange flag which had been waved above his head by a foolish boy at the theatre, when, in fact, he was himself wholly unconscious of what was taking place, and when informed of the circumstance entirely disapproved of it. There was at present, he firmly believed, a very large number of individuals who did not hold extreme political opinions, but who desired to see the law equally administered, so as not to favour any political party. He was himself opposed to all political associations; he had never belonged to any, nor attended a political meeting, properly so called. But, disapproving as he did of the principle of associating for political purposes, he could not but acknowledge that the Orange associations were characterized by their attachment to the British Crown and constitution. But the Government had given encouragement to political associations of a very opposite character, and it was admitted that the hon. and learned Solicitor General himself had belonged to a society of the latter description. His services were transferred from that society to an important office connected with the administration of justice and with her Majesty's councils. With respect to Catholic Emancipation, he freely confessed that, in common with others, he had been disappointed in its results. But he believed that it must now be accepted as a final and irrevocable settlement between Catholics and Protestants in respect of civil office; the tendency of the conduct of her Majesty's Government, however, had been to impress the minds of the Irish public with a notion that agitation and association were the surest passports to place and patronage. With regard to the prerogative of mercy, he agreed in much of what had been said by the noble Lord on this subject; he admitted that this was one of the most valuable and most delicate prerogatives of the Crown, and he acknowledged that its exercise ought not to be lightly found fault with; but, on the other hand, he maintained, as his right hon. Friend, the Member for Tamworth had said, that it should be exercised with discretion and not lavished without care or discrimination, in order to grace the progress of a Lord-lieutenant, or to swell his personal popularity. If (as he would not put suppositious cases) the Lord-lieutenant were to exercise the prerogative from day to day, by releasing prisoners on personal solicitation, without reference to the judges who tried them, some before trial, some without the bail required by their sentence, discharging twenty in one county and twenty in another, sometimes more and sometimes less, without investigation, and when a gaoler applies to the Lord-lieutenant to know whether he was warranted by law in discharging prisoners by word of mouth, he is to be told, by direction of the Lord-lieutenant, that the prisoners are to be liberated first, and that a list of them is then to be sent to the Castle of Dublin—the prerogative was in all such cases, he alleged, grossly abused. The hon. Member for Drogheda had said, that the mode in which the Lord-lieutenant discharged prisoners was this:—that a list was drawn up, and the cases were inquired into, that the prisoners were not discharged till regular legal warrants for their discharge were sent. How stood the fact? There was a return before the House which had been moved for by his hon. and learned Friend the Member for Bandon, and he begged the attention of the House to this return, which furnished a complete answer to the supposition of the hon. Member for Drogheda. In the county of Sligo, twenty-five prisoners were discharged in one day, and in the head or column of the return stating the authority under which they were discharged, the answer to all the twenty-five was, "Oral order, the 24th of August." That was not all. The written orders were stated to have been sent on the 30th of August; so that every one of these twenty-five prisoners was discharged on the 24th of August, six days before the legal order bore date. Of these twenty-five prisoners, he found that there were two who had been sentenced to find security for their good behaviour prior to their discharge—one in 10*l.*, with two sureties in 5*l.* each. Another of these twenty-five prisoners had been sentenced to six months' imprisonment, and bail was required to be given after the expiration of that period, and in default of bail he was to be imprisoned six months more; so that this person was deemed unfit by the judge who tried him to be liberated at the end of the term of imprisonment to which he had been sentenced, unless he gave bail, or suffered an imprisonment of six months more; and yet this man was discharged with the rest, and under the heading of the return, which required it to be stated whether on bail or not, the answer was, "No bail." Another return he begged to recommend to the attention of the House, and particularly of English gentlemen, who would see the manner in which grace and mercy were dispensed in Ireland. In one case a prisoner had been guilty of the offence of rape, and sentence of death was awarded; this man was discharged, on the 8th of of May, 1836, by the order of the Lord-lieutenant. The written order of the Lord-lieutenant was, "To be discharged on marrying Mary *Ryan.*" Nineteen prisoners had been discharged by orders from the Lord-lieutenant, in the county of Westmeath, some without bail, and the returns for one and all stated, that a regular discharge was not received till days after. One of them had been sentenced to transportation for seven years; another to transportation for life; a third, who had been guilty of a grave assault, was sentenced to be imprisoned for two years and held to bail; a fourth, convicted of appearing with arms by night, was sentenced to imprisonment for eighteen months. Amongst these nineteen cases, seven had been discharged by verbal orders from the Lord-lieutenant, who had thus given verbal directions to the keeper of the gaol to violate the law. and subject himself to an indictment for an escape. This was the return, No. 194, ordered to be printed the 16th of February, 1837; and he asked English gentlemen, putting politics and party out of the question — he asked her Majesty's Ministers, could the Sovereign of the country exercise such a power in England? Would the noble Lord, the Secretary of State for the Home Department dare to recommend it? Would the people of England tolerate it? He wondered not that the Government shrank from inquiry into such a subject, and wished to procure a judgment without inquiry; but he hoped the Commons of England would not pronounce without enquiry that such conduct "tended to the effectual administration of the law. If the superior judges of the land had been neglected, and their high office treated with contempt—if, after one of the superior judges had sentenced a prisoner, for a most aggravated offence, such as forgery, to imprisonment for two years, and, without any reference or communication being made to him, the judge should, walking in the streets of Dublin, be confronted by the very man he had sentenced. ["*Name.*"] He could tell the name if the noble Lord wished. ["*Name.*"] He did not wish lightly to produce parties who gave information—it was a delicate matter. He would tell the name to the noble Lord out of the House very willingly. He would tell the House the only explanation the judge had. He had heard it reported that the prisoner had a son who was studying at the college of Maynooth, and that it would interfere with the prospects of the son if the father was further incarcerated ; and, without any reference to the judge the man was liberated. [" *Name*."] The name of the man, he believed, was Brenan. Suppose a case of a prisoner convicted of an aggravated assault by an intelligent jury, and the judge resisting all importunity, being of opinion that the prisoner was not deserving of mercy, and receiving a letter from the Secretary to the Lord-lieutenant, stating that his Lordship had determined that the law should take its course ; that subsequently a letter was sent to the Lord-lieutenant by a Roman Catholic priest, the brother of the prisoner, in which he asserted the innocence of his brother, adding a libel on the judge who tried the case, and that on this letter the prisoner was discharged. He believed the noble Lord knew the case, did the noble Lord, the Secretary for Ireland, wish to know the name of the person ? His name was Gahagan. He believed that, in other places, the Roman Catholic priesthood had suspended the functions of the judges. When the noble Lord opposite insinuated that he had made an unfair use of documents before the House, he disclaimed it ; whereas the noble Lord, in laying a return before the House for 1835 and 1836, had (inadvertently he was sure) omitted all reference to an important fact stated by Colonel Shaw Kennedy, that in July, 1836, (between the end of 1835 and 1836,) a change had been made in the mode of making the returns. The noble Lord (Lord John Russell) had referred to a pamphlet for a return of convicts discharged ; but he must say that he found the noble Lord's explanation most unsatisfactory. The noble Lord had said that in 188 cases, which were slight and insignificant, out of 631 in all, there had been no reference to the judges. He did not see any good reason why there should not have been a reference ; there was not one of these cases which was not tried by a judge or an assistant-barrister ; and he did not know why a reference had not been made in all of these cases. Were these grounds for adopting the proposition of the noble Lord without inquiry, and without information—without the returns affording means of forming an opinion ? Let the House look at the petitions from the magistracy. A petition had been presented to-night from forty-four magistrates, and the Government knew that there had been various representations from magistrates describing the state of Ireland almost in the words he had used in the House, and yet the noble Lord, without waiting for those returns, called upon the House to pronounce an opinion. He thanked the House for the kindness they had shown to him, and he had only one further observation to make. Ireland, it was true, was in a deplorable state as to crime, and he believed that this demoralization arose partly from the course pursued by Government in the administration of the law ; but the House might depend upon it, that there was a large and influential class of the people of Ireland, including a great proportion of the higher and middling ranks of Roman Catholics, who were heartily tired of agitation, and were more solicitous for the security of their lives and property and families than concerned about party contentions. It had been truly said by the hon. and learned Member for Dublin, that the petitions from Ireland for the support of the present policy were all " to the same effect," he might have added in the same words, and almost all signed in the same handwriting ; he knew well the puffing and exaggeration required for his (Mr. O'Connell's) own purposes. But the society on which he relied would lend only a temporary support to the personal objects of the hon. and learned Member ; it was with difficulty he found support, and solely from the Catholic priesthood, and many of them were forced to support him against their will ; and he was persuaded that no one circumstance gave greater offence to the Roman Catholic laity of Ireland than the desecration of their altars to political objects. Let the law be only firmly, yet temperately, administered ; let justice in its true and highest sense be done to all parties, not seem to be disregarded ; let the Government of the country conscientiously and sincerely discountenance agitation ; whether Whig or Tory, do this, and he was convinced that an overwhelming majority of the sober-minded classes of society, including persons of different religions and various shades of politics, would be found, notwithstanding the excitement and the difficulties existing in Ireland, ranged by the side of law and order. As he had said before, the people of Ireland were heartily sick of agitation; they longed for repose; they earnestly desired that security for person and property which might reasonably be expected to lead to the investment of English capital amongst them develope their great national resources, and permanently promote the prosperity and the peace of that portion of the United Kingdom.

Debate again adjourned.

HOUSE OF LORDS,

Thursday, April 18, 1839.

Minutes.] Bills. Read a third time:—Consolidated Fund.—Read a first time:—Designs Copyright; Designs Copyright Extension.

Petitions presented. By the Earl of Malmesbury, from the Isle of Wight, against any further Grant to Maynooth College.—By Lord Falkland, from Londonderry, against compelling Presbyterian Soldiers to attend the Established Church.—By the Earl of Rosebery, from Linlithgow, against, and from Ayr, in favour of the Repeal of the Corn-laws; from two places, for a Uniform Penny Postage; from Stirling, for completing the Caledonian Canal; from Ayr, for a National system of Education without reference to Sects; from the same place, for the Ballot; and from Queensbury, against any further Grant to the Scotch Church.—By the Earl of Roden, from several places, for a system of Education founded on the principles of the Protestant Religion.—By the Marquess of Lansdowne, from Chippenham, in favour of a Uniform Penny Postage.—By Earl Stanhope, from St. Leonard's, Shoreditch, against the Metropolitan Police Bill.

Government of Ireland. Committee.] The Earl of *Roden* said, he felt it right to address to their Lordships a few words with respect to the committee which was appointed by their Lordships, a short time since, for the investigation of the causes of crime in Ireland. He was anxious to take that opportunity of referring to the subject in the presence of several noble Lords opposite, who had been named on that Committee, because it had been stated in another place, that the Committee appointed to carry on that investigation, was composed of Members, as thirteen to five, with respect to political opinions on the matter to be investigated. That assertion was, however, set right immediately by a right hon. Gentleman, who showed how unfounded it was, by his reading to the House ten names of noble Lords opposite, who were nominated on that Committee. But that investigation was of too important a nature, for him to allow it to go forth, even for a moment, that an inquiry of so serious and so grave a kind, had been intrusted to a committee of doubtful character. He solemnly declared that he had but one object in view in calling for that investigation—namely, the arrival at truth. He cared not before whom it was held, provided that that object was attained. His whole desire was, that the inquiry should be conducted by honourable men—by men anxious to do their duty impartially; and he had no object whatever, in putting one man more than another, on the Committee. That Committee had already met twice. It had met, according to the orders of their Lordships, on the day after its appointment. A chairman had then been chosen, and certain witnesses were ordered to attend. If there were any noble Lords on the opposite side of the House, who did not think that it was their duty to attend that Committee, he was anxious to ascertain the fact. He wished, therefore, to know from the noble President of the Council, whether it was the intention of the noble Lords on the opposite side of the House to give their attention to the subject which was referred for investigation to that committee; because he felt it important that the committee should be so constituted, and should so proceed, as to command the confidence of the country. He was thus anxious, because he considered this to be the most important committee ever appointed by Parliament. He therefore begged leave to ask, whether it were the intention of the noble Marquess to attend the committee?

The Marquess of *Lansdowne* said, the noble Earl must feel that, in a Parliamentary sense, he had no right to put that question to him. Noble Lords would, of course, use their own discretion, and attend or absent themselves from the committee as they thought fit. He was not in the House when the committee was appointed. He had been obliged on that occasion to leave the House in consequence of illness. But he would state distinctly that it was not his intention to attend the proceedings of the committee. His noble Friend who sat near him (the Marquess of Normanby) also thought that it would not be right for him to attend the committee; and, in his opinion, the refusal of his noble Friend to appear on the committee was perfectly correct. Were he to state all the reasons which induced him not to attend, it would, he feared, lead to inconvenience and irregularity. All, therefore, that he should say was, that the chief ground on which he conceived he best consulted his duty by abstaining from attendance on the committee was, because he was perfectly convinced that that committee was of a criminatory character as concerned the whole administration; and under these circumstances he felt himself precluded from sitting on it. Such also was the feeling and impression of his noble Friend near him. The committee was appointed "to inquire into the state of Ireland since the year 1835, in respect of crime and outrage, which have rendered life and property insecure in that part of the empire." Here they saw that the investigation of this committee had been confined to the specific years of his noble Friend's administration, and there was directly excluded from consideration all inquiry into remote causes of crime in Ireland, which in any fair inquiry it was utterly impossible to disconnect from the subject.

Lord *Ellenborough* did not agree with the noble Marquess in thinking the committee of a criminatory character. He felt himself acting in a judicial character on this committee, and he should give his verdict according to the evidence which he heard.

Lord *Brougham* said, he took a part in the debate on the appointment of the committee, and he was therefore induced, with his noble Friend opposite, to deny that it was a criminatory committee, unless the noble Marquess meant to use the word in its Latin sense. It was inquisitorial, but it was not criminatory. As to the investigation being confined to a period of three years, he knew it had been argued, that there was an object to be obtained by so restricting it. But the noble President of the Council did not move, as he might have done, neither did any other noble Lord move, that the period of inquiry should be extended. Why did not the noble President of the Council move to extend the period of inquiry further back? As to the committee being precluded from investigating and examining matters that occurred more than three years ago, he should like to see any one attempt to prevent him from pursuing his investigation of the causes of crime, even if he went thirty years back. It had been said, that he himself admitted that the vote in this case was a vote of censure on the noble Marquess. Now, he had never said anything of the kind. He had said nothing like it. He had said something different, something actually opposite. What he had said was, that a *primâ facie* case had been made out, which *primâ facie* case called for an answer—just as a judge would say to a defendant's counsel, "There is a *primâ facie* case made out to go to a jury;" but then it would be for the jury ultimately to decide. He had said, "Because this *primâ facie* case is made out, we must go into an inquiry to see what may be advanced on the other side, but it would be as unjust as it would be premature to say, that such a proceeding was a vote of censure." Was not that the very reverse of declaring that the appointment of this committee was a vote of censure? He had further said on the occasion alluded to, "And I shall be happy if the result shall be the acquittal of the noble Marquess, who cannot himself desire an acquittal more than I desire it for him." So that the error committed by the very accurate historian of this debate was, that he confounded a trial with a conviction, an accusation with a sentence, an inquiry with a conclusion. This error had been committed, too, after the greatest pains had been taken to prevent it; for he had expressly said, "Mind, I don't sentence, I don't convict, I don't pronounce, I only call for inquiry." How, then, could it be said, that they had come to a conclusion against the noble Marquess without inquiry, when their Lordships' House had ordered an inquiry, and when the hope prevailed, that that inquiry would terminate favourably?

The Marquess of *Lansdowne* had already stated, that he was not in the House when the committee was appointed. He, therefore, had not an opportunity of stating his opinion. But the objection to the restriction placed on that committee had been taken distinctly, solemnly, and pointedly by his noble Friend near him. His noble Friend (Viscount Melbourne) had complained, that the motion was limited to the years of his noble Friend's government in Ireland. Why, then, did not the noble Earl offer to extend his motion? If the noble and learned Lord had reason to know, that the noble Earl (Roden) would not oppose a motion, that the term should be extended, why was it not mentioned? The objection to which he referred had been solemnly taken; why then, if he were so disposed, did not the noble Earl concede what his noble Friend wished to obtain—an extension of the period of inquiry?

Lord *Brougham* said, he certainly never had the slightest communication, directly or indirectly, with the noble Earl opposite on this subject. But he judged, from his usual candour, that, if the noble Earl had been called on to extend the period of inquiry, he would have consented.

Lord *Wharncliffe* said, he understood, that not only the noble Marquess would retire from the Committee, but that other noble Lords would pursue the same course. He was ignorant of the fact, but he wished to know whether that were the case. He could not but consider it most extraordinary, that the noble Marquess should refuse to attend for the purpose of assisting in the defence of a colleague. Here were matters of a very grave nature to be brought forward, and yet it appeared, that certain noble Lords would not serve on the Committee because the inquiry was restricted to a certain time. He certainly could not tell how they reconciled that course of proceeding to the just discharge of their duties. These noble Lords would, it seemed, leave the Committee entirely in the hands of those who supported its appointment. Now it appeared to him, that this was not a fair or proper course. They on that (the Opposition) side of the House called only for examination. They asked for nothing more. On his honour he would declare, that he went into the Committee without any wish except to act fairly, and to come to a decision on the evidence which he should hear. If noble Lords opposite refused to serve on the Committee, the country, he thought, would say, that the Government had incurred great blame, that they were deserving of censure for not taking a part in the investigation, and that, in fact, they were afraid to encounter it. He would to-morrow move for the appointment of other noble Lords in the place of those who might refuse to attend the Committee.

The Marquess of *Lansdowne* said, the noble Lord had no right to assume, from anything which he had said, that other noble Lords on that (the Ministerial) side of the House would not attend this Committee. He had only spoken for his noble Friend and himself; and the noble Lord was not justified in saying, that the course which they had adopted was not a fair proceeding on their part. The noble Lord must excuse him for saying, that in any question of fairness of conduct, with reference to the course which he might think it proper to pursue, he would not consult the noble Lord. In taking the course which he had stated, he did not act merely on his own opinion, but on the opinion of his noble Friend, the noble Marquess himself, whose feeling he perfectly well knew. He most decidedly objected to that which, in his conscience, he believed to be an unfair proceeding towards his noble Friend, in confining this investigation to a certain number of years, which, in justice, ought to be extended to the state of Ireland for a long period. Instead, however, of going into the cause of crime in Ireland for a long period, the inquiry was restricted to a few years, during the administration of his noble Friend, when crime was committed in a less degree than formerly. It was on this ground of marked injustice that he acted; and it gave him great satisfaction to know, that by abstaining from attendance on the Committee he best consulted the feelings of his noble Friend.

Lord *Ellenborough* said, he thought in fairness to his noble Friend below him, that he ought to be informed as to those noble Lords who did not mean to attend the Committee, in order that he might call for the appointment of others in their places.

The Marquess of *Normanby* said, he would not have troubled their Lordships on this subject, if he had not been almost personally appealed to. But what his noble Friend near him had stated was perfectly correct. He did, in the course of his narration, or whatsoever else they might please to call it, on the night when the committee was moved for, state, as one of his great objections to the appointment of that committee, that its labours were to be confined to the period of his government in Ireland. The motion was, "That a select committee be appointed to inquire into the state of Ireland since the year 1835, in respect of crime and outrage, which have rendered life and property insecure in that part of the empire." When it was thus stated, and when the House agreed to the resolution that since 1835 life and property had been rendered insecure in Ireland, what was it but assuming that they had first become insecure in that period? But a *primâ facie* case had been established the other way. The returns of the constabulary officers proved that, so far from anything having occurred since the time specified to render life and property insecure, all grave and serious offences had diminished in number, and that consequently life and property were more secure than previously. He had, therefore, complained that the course pursued by the noble Earl opposite had precluded the possibility of instituting any comparison between the period pointed out and former periods. He was ready to give the noble Earl opposite the whole period of the history of Ireland, since the noble Earl's first recollection, and he would trust to his candour to name, if he could, any four years in which the state of Ireland was preferable to that which it presented while he administered the government of that country. He would confidently state that the noble Earl would find, if he made such a comparison, that the state of Ireland was better during the last four years than it had been for many years before. As to what the noble Earl opposite had thrown out formerly with respect to certain acts of his connected with the prerogative of mercy, he would merely say, that it placed the noble Earl and those who agreed with him in this dilemma—either an inquiry on that point was of importance, or it was not. If it was of importance, why had it not before been brought forward, when three years had elapsed since the circumstances complained of had occurred? They had been distinctly brought forward in an address moved at a meeting at which a noble Lord opposite did not indeed preside, but at which he took a prominent part and at which also a noble Lord near him had attended. The speeches addressed to that assembly were distinguished by their violence against the Government. He wished to know, when all those facts were distinctly brought before their Lordships by the proceedings adopted at that time, why, if it were deemed necessary to institute an inquiry into the exercise of the prerogative of mercy (which he believed had never before been inquired into), why, he desired to know, that inquiry was not then instituted? That certainly was the time, if ever, when that inquiry should have been set on foot. It ought not to have been postponed till this period. Had that course been taken, he should have had a much better opportunity of replying to these accusations than he now had, after such a lapse of time. If the matter was really of importance, it ought to have been inquired into at the time; if not of importance it ought not to have been interfered with at all. He could not therefore avoid thinking that something like personal feeling was mixed up with this proceeding. Before he sat down he wished to make a motion, not with reference to the question before the select committee, but for the information of the House. He wished to move for a return of the number of persons who had been committed between the years 1835 and 1839, after having been once discharged, in consequence of the remission of their sentences; specifying the nature of their original offence, and of that for which they had been recommitted. By the result of that inquiry, he was content to be judged by that House and the country as to the discretion with which he had exercised a most delicate prerogative, and one which had been called in question with such a perseverance in misrepresentation; arising, of course, as far as their Lordships were concerned, from misreported facts, as had, he believed, never been used towards any individual but himself.

The Earl of *Roden* would not suffer himself to be betrayed into a discussion by the observations which had been made; but he assured the House, that as he was not instigated by any personal motives to bring on his motion, so he should not be deterred from doing what he considered to be his duty by any attacks which might be made upon him there or elsewhere, or any accusations which might be brought against him of being a violent political partisan. He was convinced that in the committee which had been appointed upon his motion, the case of the noble Marquess would receive the greatest consideration; and that any statements which the noble Marquess might either make himself, or which he might authorize any other noble Lord to make on his behalf, would be attended to with the greatest care. When he proposed his inquiry, he must confess he had no intention whatever of extending it beyond the period of the noble Marquess's government. The noble Marquess's was the government with which he found fault; beyond that, as far as he was concerned, he had no wish to extend his inquiry. But, at the same time, if any noble Lord had thought it right to move that a longer period should be included, he, for one, should not have objected to such an amendment, although, with the object which he himself had in view, it was not for him to make the motion in that shape originally.

The Marquess of *Normanby* said, that the charge of being a political partisan was not wholly unfounded, if, as was understood to be the case, the noble Earl, at a great public meeting, had commenced the proceedings by waving an orange handkerchief.

MALTA—THE PRESS.] Lord *Brougham* wished now to call the attention of the noble Marquess to a different subject. On the 21st of July, 1836, a proclamation appeared in the *Gazette* of the island of Malta, having for its object the liberty of the press and the abolition of the censorship in that island. A draught of an ordinance, as it was called, had lately appeared in the same *Gazette*, for the expressed purpose of carrying into effect the design of the proclamation of 1836. He wished to ask the noble Marquess whether this draught of an ordinance had the effect of altering the law previously existing in the island, and whether her Majesty's Government was aware of the contents of this most incredible document. Instead of being a law securing the liberty of the press, no press whatever, whether in Algiers or Turkey, was ever before placed under such restrictions. It was full of the grossest, the most monstrous, and most incredible absurdities; it provided that any person who published any writing whatever censuring any individual in his private capacity was to be liable to imprisonment; so that not only if it were said of any one who had been guilty of criminal conversation that he was an adulterer, or of one who had been convicted of robbery that he was a felon, would such cases as those fall within the scope of this law; but if any one expressed his disapprobation of another, in respect of his conduct, or his mode of life, or said that his despatches were ill-written, or that his style was bad, or his writings unintelligible, or even that he did not write a good hand, it would be a censure, subjecting the party who was guilty of it to imprisonment. He ought, however, to mention, that a distinction was drawn between censurers who defamed and those who did not; the former were punished with twelve months' imprisonment, the latter with only six. But the absurdity did not stop there; if any person did any thing to cause the publication of a censure, nay, more extravagant still, if an omission to do any act tended to encourage any such publication, the act or omission was punishable. The effect of that regulation might be, that a man might be punished for a libel upon himself published by some one else, if he did not take steps to prevent its circulation. Was he not justified in calling this an incredible document? It would, however, have wholly escaped his notice, and that of the House in all probability, had he not happened, quite accidentally, to see the *Malta Gazette*, and he thought it would be no more than a prudent precaution if every act of legislation on the part of the Crown were made public in this country. He would beg the noble Marquess to answer the questions which he had put, in order that he might judge whether it would be necessary to make a motion upon the subject.

The Marquess of *Normanby* was understood to say, that as the ordinance was still under the consideration of the Government, it would be premature in him to express any opinion upon the subject at present.

Lord *Brougham:* Then the ordinance is not at present the law in Malta?

The Marquess of *Normanby:* It has not yet been disallowed.

Lord *Brougham:* Then it was, he supposed, the law in Malta; and a man might in that island be committed to prison for a libel upon himself published by somebody else.

The Earl of *Ripon* thought that all the absurdity which the noble and learned Lord had pointed out, and with which he (the Earl of Ripon) had now become, for the first time, acquainted, would have been avoided, had not the offices of Attorney-General and Chief Judge in the island been abolished as sinecures, in conformity with the suggestion of the commissioners, who had thought proper to come to a conclusion upon that point without even examining the Chief Judge or Attorney-general as to the nature of their duties or holding any communication with those learned persons upon the subject. The offices were abolished, and the Chief Judge and Attorney-general were now in England. If this had not been the case, the ordinance would, as a matter of course, have been referred to the Attorney-General, whose particular duty it would have been to advise the Governor upon questions of this sort. Having dispensed with the services of that learned gentleman as useless, he presumed the ordinance had been referred by the Colonial-office to the law officers of the Crown, and perhaps the noble Marquess would state whether these officers were responsible for the ordinance.

The Marquess of *Normanby* said, that when the question came on for discussion, he would make the best defence he could to the charge brought against the Colonial-office, and state what had been done with respect to this ordinance, although he might not, at present, be as well acquainted with the proceedings of the Malta Commissioners as some of their Lordships were.

Lord *Brougham* was astonished to hear that the offices of Chief Judge and Attorney-general had been abolished without those learned persons having been examined as to the nature of the duties which they had to perform. Why the House of Commons would not abolish the place of a tide-waiter without making such an inquiry.

Conversation dropped.

SUSPENSION OF ECCLESIASTICAL APPOINTMENTS.] Viscount *Melbourne* moved the Order of the Day for taking into consideration the Commons' Amendments to the Ecclesiastical Appointments' Suspension Bill. The object of the clause introduced by the Commons was to remedy a difficulty which had been occasioned by the Bill of last year, and to enable the Chapters to elect Deans, in case of a vacancy by death.

The Bishop of *Exeter* said, that he was obliged to oppose the Amendment. The Bill on which this Amendment was made, was a Bill operating on the Ecclesiastical Appointments' Suspension Act of last year. So far, the Amendment might have something to do with the Bill; but the present Bill was not for the purpose of amending that Act but for another purpose. The Bill was introduced for the purpose of remedying certain inconveniences in visitations, and to that was appended a clause of an entirely different character. He thought that it would be better to introduce a separate Bill, and then the House would have the opportunity of maturely considering the subject. The real object of the clause however, was, to enable the Crown to do that which it could not do at present respecting the Deanery at Exeter. The Crown had claimed a right to insist upon that Chapter electing a Dean under the appointment of the Crown. The Chapter, while they did not think proper to give up their right to a free election, rejoiced to find, and he concurred in that feeling, that the Crown had granted the Deanery of Exeter to two individuals of the highest character and merits. The noble Lord first appointed was undoubtedly entitled to all the encomiums which had been passed upon him. In the communications which had passed between the noble Viscount and the Chapter of Exeter, the latter had expressed their apprehensions that some retrospective measure would be introduced. But still they had been kept in ignorance of this amendment.

Viscount *Melbourne* admitted, that this clause had in view the filling up the vacancy of the Deanery of Exeter, and that that Deanery should be filled up in the ordinary course. He admitted that he had stated to the Chapter of Exeter, that there could be no object in view but to preserve the usual course of the Crown, the regularity of proceedings, and that the legal rights of all parties should be preserved. Unquestionably he did not intend to introduce any clause calculated to interfere with what was already vested and established in the Chapter, nor could it be his intention to press this clause if he could understand that it was contrary to the wishes, or the feelings, or the intentions of the Chapter; but from all the communications he had had with the Chapter, he understood the Chapter had no desire but to be able to carry into effect the wishes of the Crown in the usual and regular manner, and that if they could do so, they were very willing to take the necessary steps to effect the Crown's recommendation. When he advised her Majesty to appoint Mr. Grills to this Deanery, he thought he was getting rid of all difficulties. At first he was not aware that it was necessary that the party to be elected should be a Canon residentiary. The Suspension Bill prevented Mr. Grills being a Canon residentiary, and this clause was to remove the difficulty. If he were told that the Chapter were against it he would not persevere in it.

The Bishop of *Exeter* said, he had not stated that the Chapter of Exeter were against it; he had said, they were not for it. He thought the party ought to be one of the present Canons, and he wished to know from the noble Viscount if he was not aware that if the Crown were to recommend to the Chapter one of the Canons qualified by the statute, they would not, without acknowledging a power in the Crown to compel them, be ready from their own feeling of loyalty, to elect such an individual so recommended?

Lord *Melbourne* believed the Chapter were ready to elect this gentleman, recommended as he was, if they were enabled to do so, and for the purpose of enabling them to act according to the usual course, this clause was proposed.

The Duke of *Wellington* thought the House was placed in an awkward situation. He was glad to hear that the noble Viscount and the Chapter were on such good and accommodating terms with each other. He should have wished, however, to have had some information afforded to him upon this subject at an earlier period than at the very moment at which the House was called upon to agree to this clause—which he could not but think was a very great irregularity, and more especially when it was connected with this particular arrangement or disposition to a negotiation between the Crown and Chapter of Exeter. He thought it would be as well for the Crown, for the Chapter of Exeter, and for all parties concerned, that this clause should become the subject of a distinct Bill to pass through Parliament. Let it be regularly, fully, openly brought before the House and the public. He did not like to reject a clause that had been proposed by the other House of Parliament, but he certainly thought that the House ought to have a fair opportunity of discussing this question fully.

The Bishop of *Salisbury* considered that this and other irregularities which were degrading to the Church, arose from a mode of legislation which he believed to be equally unconstitutional and inconvenient. All the difficulties had arisen from the Suspension Act, which this Bill referred to, and which had now been renewed during three successive Sessions. In his opinion, the best mode of proceeding would be to repeal the Suspension Act.

The Earl of *Wicklow* said, whether the noble Viscount postponed this clause, or pressed it upon the House now, he should equally object to it. He objected upon principle to either House of Parliament adding a clause to a Bill totally unconnected with the subject of that Bill itself. He should certainly object to the clause in this form, whenever it was brought forward.

The Marquess of *Salisbury* considered that the House ought to be summoned on the present occasion, and, therefore, perhaps the noble Viscount would postpone the further consideration of the clause.

Lord *Melbourne* thought there was no use in postponing it. It was but a very small matter. There might be something in the point of form, but nothing of importance. With respect to there being any concealment about the matter, there was nothing of the sort, and there had been ample opportunities given in both Houses of Parliament, for the discussion of the matter. The noble Duke opposite seemed to speak of this as if there was something of a discreditable nature about it. It was well known that inconvenience had been suffered by the delay which had been unexpectedly occasioned by the Bill which had been passed, and this clause was to remedy that evil. It was admitted, that it was to carry into effect the arrangement for the Deanery of Exeter. It would unquestionably, in his opinion, be better to carry this into effect, in the mode proposed by the House of Commons. At the same time, as the objections to it seemed to be felt so strongly, he did not think it was necessary for him to persevere farther with it at present.

The Duke of *Wellington* could not agree that full opportunities of discussing the subject had been afforded. For his own part, he never heard a word about it until just now.

The Bishop of *Salisbury* would prefer the repeal of the whole Act, and if the present anomalous state of things were allowed to continue, he was afraid many remedies would have to be proposed.

The Bishop of *Exeter* said, that if the Crown recommended the appointment of one of the present Canons residentiary, the matter would be brought to an instant conclusion.

Debate adjourned.

HOUSE OF COMMONS,

Thursday, April 18, 1839.

MINUTES.] Petitions presented. By Colonel SIBTHORP, from Lincoln, for the Immediate Dismissal of the present Ministers.—By Colonel LAYTON, Captain WEMYSS, Mr. G. BERKELEY, and Mr. HAYTER, from a number of places, for a Uniform Penny Postage.—By Mr. LAW, from the Clergy of London, against granting to Justices the right to appoint Dissenting Teachers.—By Mr. WOOD, from Worcester, against parts of the New Poor-law Act.—By Mr. BRAMSTON, from a place in Essex, against the Repeal of the Corn-laws; and for Protection to the Established Church in Canada.—By Mr. LUCAS, from the county of Monaghan, for Railroads in Ireland.—By Mr. GODSON, from the Planters of Jamaica, against the Suspension Bill.—By Mr. GRATTAN, Mr. V. STUART, Mr. HUME, Mr. O'CONNELL, and several other MEMBERS, from a great number of places, in favour of the Ministerial Policy in Ireland.

LIGHTING THE HOUSE.] Sir *F. Trench* wished to ask by what responsible authority the new operations for lighting the House now carrying on had been commenced. If hon. Members would only turn their eyes to the ceiling, they would there see eight lenses far greater than those employed by Archimedes at the burning of Syracuse.

Mr. *Hume* stated, that he had given notice to the hon. and gallant Member of the intention at a convenient opportunity to try Mr. Gurney's new light. That trial had been made upon a small scale, at which the hon. and gallant Member, notwithstanding the notice he had received, did not attend; but the Speaker, together with himself and other hon. Members, did, and the result of that experiment was, that it was thought desirable that Mr. Gurney should have an opportunity of trying the effects of his light on the House; and therefore it was that the present preparations had been made.

Sir *E. Knatchbull* asked at whose expense these experiments had been made, and by whose authority.

Mr. *Hume* said, Mr. Gurney offered to make the experiment at his own expense, if, when the lights had been tried, the House intrusted him with the lighting of the House. But the Chancellor of the Exchequer had preferred so far sanctioning the experiment as to allow him 100*l.* to make the experiment.

Sir *F. Trench* only asked justice. He now moved—"That the ten branches removed from each lustre during the recess (each holding two candles) be replaced; and that Mr. Rixon be directed to colour the inside of the shades with distemper of the green tint pointed out to him by Sir Frederick Trench."

Motion agreed to.

BREACH OF PRIVILEGE.—EXPLANATION.] Mr. *Barron* said, previous to the Order of the Day being read, he wished to call the attention of the House to what he considered to be a breach of privilege. He had made a statement to the House last night, and there appeared in the *Times* this morning what purported to be a report of his speech, it, however, was a totally false report, and the comments made upon it were written in a spirit not consistent either with truth or fact. It was stated, that his hon. Friend near him had contradicted his statement respecting the ejectments in Waterford, which was, that 1,200 tenants had been turned out of their holdings between the years 1826 and 1839. Notwithstanding what the *Times* said he re-stated the fact, and he held in his hand the original ejectment served upon one of the parties, signed by the agent of the noble Lord to whom he alluded, and involving no less than fifty-three tenures. The *Times* said, that what he had stated was false, and neither he nor any Gentleman in that House could lay under such an imputation. [Mr. *O'Connell*—Oh, if it be only in the *Times*] He was ready to produce the original ejectments; he was furnished with a list of the names of all the individuals dispossessed, and also the number of individuals in each family. The latest to which he had alluded affected no less than seventy families, comprising 382 individuals. The facts were vouched for by the magistrate residing nearest to the estate, and he was a man who would most unwillingly mis-state any fact; he was ready to mention the name of that magistrate, for he wished for no concealment. He had refrained from stating any names until he had been asked for it by the noble Lord, and then he had stated them unwillingly, for he thought it highly objectionable to introduce names into any statement made in that House. If the matter should be properly reported in the *Times* to-night—he should not move that the printer be called to the bar.

Mr. *O'Connell.* If there is no motion we must pass on to other business. This comes of improper reading. If the hon. Member had not read the *Times* there would have been nothing of this.

Lord *Ingestrie* said, that all he had asserted was, that if these tenants were ejected he was confident they had been removed from their habitations with their own consent, and, that a bargain had been made with each of them. If the hon. Member made these allusions, he was bound to substantiate them. He was ready when he got a perfect knowledge of the facts to meet the hon. Member on this and any other ground whenever he liked.

Subject dropped.

EXPLANATION.] Mr. *E. Tennent* had to beg the indulgence of the House for a very few minutes, to explain some mis-statements, unconscious ones, he must hope, of the hon. and learned Gentleman, the Solicitor-General for Ireland, in his reply last night to his (Mr. E. Tennent's) speech of the evening before, and which, as indisposition had prevented his attendance last evening, he was unable to detect on the moment. He perceived in one of the morning papers, that the hon. and learned Gentleman had represented him as stating, that "at the special commission for Tipperary, juries had been selected by sheriffs appointed for the purpose of corrupting justice at its fountain head." On this assertion the hon. and learned Gentleman had actually commented, but he (Mr. E. Tennent) had never made any such absurd and monstrous statement with regard to the Irish government. What he had said was this, that the effects of the system by which sheriffs had, till lately, been appointed by Lord Normanby, had been to admit a very low and very dangerous class of cess-payers on the petty panels, and thus to lead to the undue acquittal of prisoners; but, that so far from imputing any such conduct to the sheriff of Tipperary on the late occasion, he had instanced his conduct only to praise it as an illustration of a totally opposite system, by which a higher class of jurors had been summoned and convictions obtained. Again the hon. and learned Member had represented him, as saying, that the government "had utterly abandoned the privilege of setting aside jurors, and, that this accusation was unsustained by the fact." He (Mr. E. Tennent) had never made any such accusation. On the contrary, he had quoted the very words of the two noble Lords (Morpeth and J. Russell), to show the exact limitation which had been placed on the actual interference of the Crown Solicitors; and he had confined his strictures to the one single observation, which was within his own knowledge, that the impression of interference at all being discountenanced by the government, and the apprehension of a rigid investigation into cases where they had interfered, had prevented and would prevent the Crown Solicitors from interposing in cases when it was their duty to do so, but when their self-interest prevented it. But so far from saying the government had never interfered, he had instanced a case of this kind to show that they did. A third misrepresentation was, that he (Mr. E. Tennent) had charged the Crown counsel "with waving in every case their right of reply to the counsel for the prisoners;" and this was another subject of the hon. and learned Gentleman's comment. He had said, that it had been a prevalent practice to do so, and had been attended with the worst consequences; and the hon. and learned Gentleman, in endeavouring to show, that it was not "universal," had been able to produce but one instance to the contrary. But as his statement had thus been made a matter of direct contradiction, he begged leave to say, that it was based on a published declaration of the Attorney-General for Ireland, Mr. Brady, then Crown prosecutor; and never, so far, as he (Mr. E. Tennent) was aware, contradicted—"That so long as the present Crown lawyers had the conducting of criminal prosecutions, they would not exercise the right to reply;" and he had been informed by numerous legal friends, that they very seldom did. It was on these grounds, which he had now shown to be utterly misrepresented, that the hon. Member (Mr. Pigot) had attacked his speech, and as he had now demonstrated their inaccuracy, his strictures and comments of course fell to the ground.

GOVERNMENT OF IRELAND.—ADJOURNED DEBATE.—FOURTH NIGHT.] Mr. *M. J. O'Connell* said, he hoped the House would grant him its indulgence while he stated his reasons for supporting the resolution proposed by the noble Lord the Secretary for the Home Department. He should support that resolution on a twofold consideration; first, because in itself it contained the expression of a true and just principle; and secondly, because he felt that the House was called upon by the circumstances of the times to give its distinct opinion, to record its verdict between the two antagonist principles, on the one or other of which Ireland must be governed. He could have wished that the necessity of going into this branch of the subject had been spared him. He could have wished that the right hon. Baronet opposite had dealt with this all-important question in a more fair and manly way; that the right hon. Gentleman had not exhausted the weight of his eloquence, during a two hours' speech, in endeavouring to prove to the House, not that the proposition of the noble Lord should be abnegated, not that there was injustice towards any class in Ireland in the system of government pursued by the present administration, but that it was desirable that the House should not on this vital question and in this great crisis express any opinion at all. Whatever the right hon. Baronet might say, and whatever those who followed so obsequiously in the right hon. Baronet's train might say, as to the vote come to by the other House, he was sure that out of the two Houses of Parliament there was no man of common sense, of sane mind and memory, who did not consider that the vote come to by the House of Lords was intended as a censure on the Government; and a censure marked by this extraordinary characteristic, that it pronounced the sentence of condemnation at the very moment when it was affecting to proceed to inquiry. If there was not Irish generosity in this, there was at least something very like Irish blundering. Rhadamanthus of old punished before he heard; and such was the course of the House of Lords on the present occasion. Such having been the conduct of the House of Lords, he thought that the House of Commons was peculiarly called upon to express an opinion on the subject. With respect to the charges which had been made against Lord Normanby's government, he thought he could show that they were wholly destitute of foundation. A great deal had been said upon the state of crime and disturbance in Ireland, and they had witnessed the melancholy fact of men coming forward to make out the case of their party, by proving the degradation of their country; and this without a single expression of regret, or apology, or apparent feeling of humiliation on such a subject. What would the House think of the fact that the great organ of the Conservative party in Ireland, after glorying on what they considered their recent triumph in the House of Lords, had concluded a leading article within the last ten days, with the remarkable expression—"Three cheers for the *Gazette*, and one cheer more for the state of the country!" There had been a time, and it was no very distant period, when insurrection prevailed in Ireland—when there were political associations in every hamlet—when crime and outrage were frequent, and when it might almost be said, that the plunder of the mails was a more regular occurrence than the delivery of letters. But that was under a government which the hon. Gentlemen opposite gloried in contrasting with the weak and inefficient administration which now rules that country. What was the state of the administration of the law during those glorious days? He would quote from an authority not prejudiced against the government of that period. He would not refer to a report of inspectors of prisons, whose character had been so much assailed by hon. Gentlemen opposite, but he would read an extract from the speech of the right hon. Baronet, the Member for Tamworth, delivered when he was Secretary for the Home Department. The right hon. Gentleman said on the 14th of June, 1824, when moving the renewal of the Insurrection Act—"It appeared, that before the passing of this Act, there were not less than fourteen murders committed in one barony in two years, and yet not in a single instance had the perpetrators been discovered."* This was what he (Mr. O'Connell) supposed was meant by the strong enforcement of the law. There was another testimony to effectual administration of justice in those days, which was as free from suspicion as that of the right hon. Gentleman the Member for Tamworth. He meant, that of the right hon. Gentleman the Member for the University of Cambridge, who said, on the 12th of May, 1823,

> "Justice was defeated in every possible way. Where the criminal was secured, the witnesses for the Crown were either removed on the approach of his trial, or such was the influence of terror, that it was found impossible to induce them to give evidence. At the late assizes in Cork, the number of persons

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* Hansard, vol. xi. (new series) p. 1334.

who were allowed to go at large, in consequence of the impossibility of producing evidence before the grand jury, was little short of the number of those who were prosecuted." *

He would now refer to other statements, highly illustrative of the success with which the law was administered in those days. These were drawn from the returns of the clerks of the Crown, and showed the number of bills ignored, and of acquittals and convictions in the years 1816, 1817, 1818, 1822, contrasted with the year 1838. The hon. Gentleman then read the following statement:—

County and Year.		Bills ignored.	Tried and Acquitted.	Convicted.
Cork	1816	242	343	113
	1817	540	204	70
	1821	693	180	84
	1822	543	211	116
	1838	20	80	63
Limerick	1816	139	137	49
	1817	182	110	47
(special commis).	1821	238	101	60
	1838	45	53	60
Kerry	1817	no return	204	48
	1820	—	425	68
	1838	28	37	45
Tipperary	1816	no return	205	76
	1817	—	144	65
	1818	—	127	68
	1838	29	112	165
Longford	1819	no return	135	29
	1820	—	99	18
	1838	40	55	43
Westmeath	1816	no return	79	55
	1817	—	90	73
	1818	—	69	93
	1819	—	71	38
	1838	14	27	41

He said, that with such results staring them in the face, it was too bad for hon. Members to accuse the Government of negligence in the performance of its duty. No one could deny, that they showed a great improvement in the administration of the law. It was true, that it was not yet perfect. It could not be possible, that it could become perfect in the course of a few years. But what would the House think of the right hon. Gentleman opposite who held the secretaryship of Ireland in the year 1817, and who must have been aware of the failure of justice, which those returns showed, but who yet took no steps for the improvement of the police until the year 1823 or 1824? There had obviously been more improvements in the machinery for carrying the law into effect during the short period of Lord Normanby's government, than during the long administration of his predecessors. Much had been said upon the subject of juries, and the hon. Member for Belfast had shown a great horror at the idea of their being popularly constituted. That hon. Member thought it highly improper, that the lower class of farmers should serve on juries. But was it the constitution of England, that the aristocratic classes of society alone should have the power of judging upon life and property? He remembered a complaint on this subject from Baron Smith, who in delivering a jeremiade to the grand jury of Louth, said, that the country was disgraced by juries falling into the hands of the lower classes. But were not such complaints a melancholy index of the state of the country? They showed, indeed, the spirit which had so long prevailed in the government of Ireland, and which had produced in the minds of the people a distrust of the law, from a share in the administration of which they were excluded. Upon this subject he would beg to trouble the House with an extract from the speech of Mr. Charles Grant, now Lord Glenelg, who said on the 22d of April, 1822,

> "But, when the mischief has availed itself of these facilitating circumstances, it finds, besides and beyond all these, a yet deeper and more settled principle to assist and promote its growth. I mean a rooted distrust, among the people, of the intentions of the British Government and legislature—the fatal legacy of six hundred years of injustice and oppression. Strange as it may seem, the sentiment to which I allude, is not usually a feeling of disaffection to the constitution, nor a want of attachment to the Sovereign. . . . In this respect, the disposition of a great portion of the Irish, with reference to the laws in general, seems to be analogous to that which to a considerable extent prevails in this country with regard to one particular branch of the law; I mean, that which relates to the revenue. . . . . Somewhat of the same sort of feeling pervades, I am sorry to think, a considerable part of the Irish people, with respect to the law generally. They have a rooted conviction, that it was not made for their benefit. They regard it only as a despotic master; and are but too ready to evince that sentiment whenever the opportunity arrives."*

On the same occasion the right hon. Gentleman the Member for the University of Cambridge said:

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* Hansard, New Series, vol. ix. 219.

* Hansard, vol. vi. New Series, page 1515.

"With respect to the long misgovernment of Ireland, he was by no means disposed to deny, what every one who knew anything of the history and condition of Ireland was perfectly aware of, that the early misgovernment of that country, or rather the course which was adopted on its conquest, was one of the main causes of all the evils that had since occurred. The conquest of Ireland had been conducted on principles more adverse to the happiness of the people than any event of a similar nature, that had ever occurred in the history of the world. No attempt had been made on the part of the conqueror to conciliate the conquered, or to amalgamate themselves with the mass of the people. On the contrary, the policy which had been pursued was to keep the two parties distinct and separate; thereby laying the foundation of that bitter animosity which had been since handed down from father to son, and which at that very moment pervaded the minds of the great body of the Irish peasantry."*

He would ask did not those feelings continue? Was not the same rooted antipathy still displayed by a large portion of the Gentlemen opposite? Was it not manifested in opposition to everything like an extension of franchise or equal privileges to Ireland? The only attempt to remove the distrust of the people in the law was made by the government of Lord Normanby, and he (Mr. O'Connell) knew nothing more calculated to give them a feeling of confidence in the administration of justice, than a popularising of the institutions of the country, by calling on other classes besides the aristocratic to perform the duties of jurors. There was another point in the government of the Marquess of Normanby of which the noble Marquess had good reason to be proud. He referred to the suppression of local disturbances and faction fights, which some years ago were frequent in every market town, and which not only deprived industry of its due reward, by disturbing the transactions of buyer and seller, but often led to scenes of the most frightful bloodshed. A statement had been made, which he was astonished to observe had been received with some degree of incredulity, that under former governments these faction fights had been connived at by the magistrates as a useful means of diverting the attention of the people from other subjects. But he could show, that they were viewed in this light by a quotation from no less an authority than the Marquess Wellesley, who in a dispatch of the 3rd of January, 1822, said:—"With respect to Westmeath, the chief magistrate of police has stated the revival of those party feuds and personal conflicts in the neighbourhood of Mullingar, which are considered in this country as indications of returning tranquillity." Returning tranquillity indeed! Was it possible for those under whose government such vices prevailed, and who seeing this to be the state of the country, attempted to provide no remedy, to challenge the administration of the Marquess of Normanby, and venture to compare their own with it. Outrages of this character were formerly visited with punishment only upon complaint of one of the parties, and therefore only one was punished, but the Marquess of Normanby's Government, by the appointment of an attorney as Crown prosecutor, had insured that not only every case should be taken up, but that both parties should be brought to justice. There was another point which had been dwelt upon, not now for the first time—he meant the suppression of the Orange Lodges: and an extraordinary comparison had been drawn between those secret societies using secret signs and pass words, with an association carrying on its proceedings in the face of day, and courting publicity. This subject had been perpetually referred to since his hon. and learned Friend below him, (Mr. Pigot) had received an appointment from her Majesty's Government, which very few in that House would say was ill-deserved. It was said that they addressed the Crown for the suppression of the Orange Societies; but that the General Association was permitted and encouraged. He said there was no common comparison between them. The one was condemned even by its friends as a secret society, using secret signs and symbols, and acting by affiliated branches. The other was not secret, used no signs or symbols, and had no affiliated branches. The constitution of the country permitted the establishment of societies like the General Association, and it was most unjust to blame any man for taking part in that which it was admitted the law of the land had no power to put down. It was natural to consider such associations, when existing to a considerable extent, as a symptom of a bad state of society. But the evil was not in the associations themselves, but in the state of things which gave rise to them. Agitation was the natural and necessary offspring of discontent, as discontent was the natural and necessary offspring of injustice. The hon. and learned Member for Coleraine had talked of the benefit of a Government which would show a consistent resistance to agitation; and he was one of those who cheered the sentiment; for he believed it was more strongly felt on his own than on the other side of the House; for he could not think it had been shown by those who yielded to agitation, and to agitation alone, what they had denied to reason and to justice. The reluctance with which their concessions were rung from them was shown by their subsequent conduct. They had granted the Emancipation Act, indeed, but what had they done towards carrying it into effect? Nothing: and, therefore, it was that discontent still continued. He would read on the subject an extract from a speech of Mr. Plunkett in 1822. He said, "It was often asked, in a tone of triumph, by the enemies of the Catholics, 'Why are you not satisfied with the boon granted to you? Why are you not content with the concessions which you have received?' The reason was, because concession had been followed in every stage by the curse and malediction of those bigots whose prejudices neither time nor circumstances could remove—who, like an unwholesome blight, like a destructive mildew, intercepted every ray of royal favour, or of legislative beneficence." So long as concessions were refused to reason and conviction, so long would sources for agitation continue. Herein the Irish people might be blamed for indiscretion; but if they bore injustice in silence, they would deserve contempt. Great complaint had been made of a reception given to Lord Normanby on his entrance into Dublin, at which flags and banners were displayed. It was true that there was a procession of the inhabitants of Dublin, many of them belonging to trades, and that many of them carried banners; but as to the character of these flags, he would read a piece of evidence given by Mr. Swan, the deputy grand master of the Orange Society, in June, 1835. It was as follows:—

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* Hansard, New Series, vol. vi. 1482—1483.

Evidence of William Swann, Esq. deputy grand secretary, June 2, 1835:—

"1443. With regard to the procession on the entrance of Lord Mulgrave, were the flags that were carried on that occasion known to be party flags?—Yes.

"1444. The majority of them?—Almost all of them, I should say.

"1445. Then, any one seeing those flags would say they were the flags of a party?—Yes, that is my belief.

"1446. Did you see amongst those flags any inscription upon them?—Yes; I did see inscriptions on a great many of them.

"1447. Will you mention them?—Indeed I cannot take upon me to mention them, except one, 'equal laws.'

But to make assurance doubly sure, the witness was further asked,

"1453. The one on which you saw 'equal laws,' is that a party flag?—Yes; I consider that a party flag."

Let this answer show the character of the party. And if there were two parties, of which one had for its object to give the people of Ireland equal laws, and the other to resist them, was Lord Normanby's Government to be blamed for having given encouragement to one rather than the other? Lord Normanby did throw himself into the hands of those who sought equal laws, and it was his pride and boast that he did so. And this was his great offence for which his levees were deserted, a piece of disrespect in which the judges of the land thought proper to set an example. The hon. Member for Coleraine had talked last night of a Government which would execute the law—he was probably going to say with vigour, but the true word slipped out and he said rigour; and that expressed exactly what his party wanted. It was that spirit which led them to complain of Mr. Drummond's letter, because he ventured to say that property had its duties as well as its rights. But that was a principle which all men of candour acknowledged, and it had been affirmed by the Legislature in the adoption of the Irish Poor-law Bill. It unfortunately happened, from causes to which he need not refer, and it scarcely could be denied, that many things had occurred which favoured the turning-out of tenants.

The abolition of the forty-shilling franchise tended very much to thate ffect. If landlords had waited till the Poor-law Act came into operation, they would have been bound to support those whom they dispossessed; but landlords had in many instances taken advantage of the intermediate time between the passing of the act and its coming into operation. They had done this in the most remarkable manner, for they employed themselves in dispossessing their tenantry for the purpose of avoiding their responsibility, and to escape the support of their tenantry. Hence it was that agrarian disturbances continued. He was certainly not one disposed to advocate crime in any way, nor to excuse the acts of any illegal confederacy, and which prevailed in some counties with respect to the taking of land. It was assuredly a most melancholy thing that a landlord could not get rid of a tenant without exciting disturbance. This was certainly very melancholy; but was there nothing melancholy in the other view of the picture? Was there nothing harrowing to the heart and exciting to the feelings in the miserable state of the unfortunate people—for those who were turned out from their homes, in the most inclement season of the year—who were turned off more often without than with compensation, sometimes, indeed, with the munificent compensation of from 2*l.* to 5*l.* to provide for a family of from seven to ten persons, and thus to enable them to erect a hut in a ditch, there to perish, or to drag out an existence worse then death itself in the outlets of some town? Was there nothing very melancholy in all this? If hon. Members had seen these things themselves with their eyes, instead of looking at them through the coloured and distorted medium of party—if they had seen these things with their own eyes—if they conversed calmly with the unfortunate victims of the system to which he referred, he believed that they would be much more ready to remove the cause than they even now seemed disposed to pass a censure on the Government. These unfortunate combinations had prevailed most where the rights of property were most freely enforced, and their duties most frequently neglected. The county of Tipperary had been often referred to in those debates. Hon. Members said that life and property were not safe in Tipperary, and that it was now in a worse condition than in former times. Did hon. Members who said this, remember the beginning of 1827, and the occurrences which then took place—occurrences which had been so admirably and so spiritedly described in an article of the "New Monthly Magazine?" Hon. Members might remember the murder of Mr. Chadwick, a land-agent in that county; and the murders which subsequently followed of the relatives of the man who gave information as to the murder of Mr. Chadwick. Such things occurred in Ireland even when there was a strong Government. Observations had frequently been made with respect to Irish disturbances. Reflections upon this point were to be found in the well-known work of Arthur Young, a book that it was most necessary and useful to refer to, for it carried them back to the period when Irish disturbances were new. They ought to look to what he says, and then they must find that nothing had since been done to remove the cause for these disturbances:—

> "It is manifest, that the gentlemen of Ireland never thought of a radical cure, from overlooking the real cause of the disease, which, in fact, lay in themselves, and not in the wretches they doomed to the gallows. Let them change their own conduct entirely, and the poor will not long riot. Treat them like men who ought to be free as yourselves—put an end to that system of religious persecution which for seventy years has divided the kingdom against itself. In these two things lies the cure of insurrection."

Let them not proclaim that they wished to deprive the people of the few privileges which a just Government might enable them to enjoy. But let them mark what had been said by the writer in 1828, and profit by the counsel that was given—

> "A change of system would not, perhaps, produce immediate effects upon the character of the people; but I believe that its results would be much more speedy than is generally imagined. At all events, the experiment of conciliation is worth the trial—every other expedient has been resorted to, and has totally failed."

The government of Ireland under Lord Normanby was the first time that the experiment of conciliation was attempted. That experiment had been thwarted—it had been embarrassed—it had been misrepresented—and everything had been attempted to make it ineffective. But he did trust that the House would give its sanction to the motion of the noble Lord, as it would by so doing, secure the same principle being acted upon by the government of Ireland. He did trust that the House would decidedly and distinctly put on record its opinions with respect to the government of Ireland. If the vote were put upon the main question, whether the principle of conciliation or the principle of oppression should be acted upon, he would have no doubt as to the result; but unfortunately the amendment of the right hon. Baronet was so artfully shaped, that many who would pause long before they would give a direct vote against Ireland might be carried away by the spirit of party, and their better reason so far overcome as to be induced to swell the ranks of those who otherwise must be left in a miserable minority. He did say, that if they carried the amendment, they would, by so doing, produce in Ireland the idea that they desired to see the principle of conciliation put an end to. Let them strip off the gauze that enveloped the sophistries of the right hon. Baronet, and they would find the amendment amounted to this—that the House did not think it worth its while to pronounce an opinion upon the government of Ireland. It had been said before of his countrymen that they were more deeply pained by an insult than by an inquiry. Let them, then, reject the resolution proposed by the noble Lord, and he could assure them that it would produce the very worst effects in Ireland; but he did hope that the House would decide in such a manner as must convince the people of Ireland that the House was resolved that the system which had been adopted by Lord Normanby should not only be continued but acted upon. He wished to refer to the following authority on the subject:—

"In the first place it is obvious, that as the evils to which I have referred are the result of causes most deeply seated, and which have operated for ages, so they cannot admit of any sudden or instantaneous cure. The process of healing must be gradual. But in making this observation I wish to guard against the possible abuse of it. It does not furnish the slightest pretext for indifference or delay in the application of remedial measures. It is, on the contrary, the strongest argument for an immediate recourse to them. Indeed, although I admit, that improvement must be a work of gradation, I certainly conceive, that the rate of its progress depends in no small degree on ourselves; and, if it is heartily pursued and promoted on all sides, I even think it possible, that the effect may be produced with a rapidity on which we should in the first instance be far from calculating."

The improvements that had been attempted were checked from the causes he had stated. "Confidence" had been termed "a plant of slow growth." In the Irish soil, where it was mixed up with the weeds of distrust and discontent, it could not be a matter of surprise, that its growth must be much slower than in other countries. He did trust, then, that a system which fostered a confidence in the people of Ireland in the administration of the law, and when that confidence was strengthened by the generous spirit in which legislative measures were carried—he did trust to see, that plant springing up, and that by its side they might behold agriculture flourishing, commerce thriving, and manufactures prospering; and that thus they might see Ireland, not only the right arm of England in war, but its partner in the more glorious and more useful triumphs which belonged to peace.

Mr. *John Young* said, the objects and opinions of the party he had the honour to be connected with, had been portrayed in harsh and revolting colours. Hon. Gentlemen opposite had fallen into the very error they deprecated in others; they should recollect this—for but little good could result from infusing such acrimony into the debate—a great part of the deplorable evils to which Ireland was subject, must be attributed to causes of long standing—to religious engrafted upon national distinctions—to the state of property—and to the extreme poverty, no less than the extreme ignorance of vast masses of the people. The cure of such evils undoubtedly required time, and the prolonged operation both of moral and material remedies. In most cases they lay beyond the immediate power and sphere of action of the executive—therefore it was, that he had long considered, that the increase of outrage at any given time hardly afforded grounds for attacking or reproaching Ministers, while on the other hand, a diminution could seldom be fairly converted by them into the subject matter of applause and self gratulation. The question before the House, was not simply the comparative tranquillity or disturbance of Ireland. It involved other results, and was to be tried on something of a different issue. Certain facts had been strongly stated on one side and denied on the other. They were shortly—that a chief governor had gone over to Ireland at a time of great excitement, when after a long and violent struggle every link of the penal code had been unrivetted; the Roman Catholic had been raised to perfect equality with his Protestant fellow subject, and the effect of the Reform Bill had been to throw the great weight of political power into his hands. The exultation of the successful party was unbounded, and it was prepared to push its victory without temper or moderation. The annihilation of the Protestant Church was spoken of not as an end, but as an easy step towards further progress. At this conjuncture the chief governor, instead of trying to moderate excitement, and draw parties closer together, by reconciling differences and softening down animosities, placed himself at once and decidedly at the head of a party, and by every possible act and expression, the distribution of his favour and patronage, to which incessant agitation seemed the sure passport— the frequent remission of sentences, which was now admitted on all hands to be most imprudent—had striven to gratify and aggrandise one party, while he disgusted and humiliated their opponents. The complaint made was, that this conduct manifestly tended to aggravate the evils under which Ireland was labouring. This was denied on the other side, and the Lords had thought proper to institute an inquiry into the statements. This being the case, he was not willing to give a vote which could be by any means construed into a disapproval of the course which the Lords had adopted, and which it was their undoubted constitutional right to adopt. Neither was he prepared, without examining a single document, or entering into a tittle of evidence, to come at once to the decision in favour of the Government which the noble Lord required. Gentlemen opposite urged that as the liberal party in Ireland were strongly in favour of government, that decision should at once be come to; but perhaps on examination it might appear, that the Irish executive had exceeded even the wide discretion with which a majority of the Commons might trust them. At any rate, it was not wonderful, that the Roman Catholic party should come strenuously forward; the country had been governed entirely for them; they had reaped all the advantages, and their wishes and feelings alone had been consulted. As regarded the meeting at the Hawkins'-street Theatre, on which so much stress had been laid, certainly some of the noblemen who attended there deserved the highest respect. He honoured the ancient lineage and amiable virtues of the Duke of Leinster; the moral worth and unimpeachable character of Lord Fingal well fitted him for the place he held at the court of a female Sovereign. Still neither the numbers, the influence, nor the ability displayed in the speeches on that stage by the aristocratic portion of the meeting, were such as to present any very formidable obstacle to their opponents, and the commoners who attended. He felt persuaded that statesmen determined to act with fairness and impartiality, might reckon on the support of a great and powerful party, of all denominations in Ireland, who join in principle, yet looking to the exigencies of the present times, would readily co-operate with them in the good government and improvement of the country. At that meeting many injurious allegations, many inconclusive facts, and many groundless apprehensions had been stated. With respect to the last, he would say, that if he could bring himself to believe they had any foundation, or that the removal of Gentlemen opposite from office must necessarily be followed by a narrow and exclusive policy, by a return to that system which oppressed Ireland during the last century, and sowed so widely those seeds of rancour and hatred which produced in those days such fatal fruits, to that system which Mr. Pitt sought to put an end to by the union, he would be one of the last men in that House to vote for it. He felt assured that he was speaking the sentiments of his constituents, when he disclaimed all such hopes and views. They knew that great changes had been affected of late years in the constitution—that those changes had been accepted by the leading Conservative statesmen, as the basis on which the future administration of affairs must be conducted—they admitted that these great reforms already made, must have effects in practice and further progress; still they trusted that under Providence the same advance of the public mind, the same development of resources, which rendered such great innovations necessary, would also render them safe. Political power is now differently distributed, from what it used to be; all these things made the idea of a return to any narrow or exclusive system visionary and impossible. It should always be recollected that the great body of the Protestants of Ireland had never derived any advantage from the ancient system. A few families had lorded it over all denominations of their countrymen, and held power and patronage for themselves alone. The energies and resources of the whole country were equally paralysed by commercial restriction and political jealousy; all the Protestants of that day wanted was all the Protestants of this day ask for—equal justice—and this Mr. Pitt held out as one of the advantageous results of the union:—" An impartial Government, which should stand aloof from local party dissentions, sufficiently removed from the influence of contending factions to be the advocate and champion of neither; which, not aiming at any temporary popularity, should neither yield to the haughty pretensions of the few, nor open the door to clamour and popular aggression." Of this picture, in the opinion of the Protestants of Ireland, Lord Normanby has fallen far short. At whomsoever's door Gentlemen opposite might lay the blame of the past misgovernment and present evils of Ireland, they had no right to charge them on the great mass of the Irish Protestants. They had not gained by former misrule: they now suffered from the revulsion. All they wanted was, an equal and impartial administration of affairs; for the rest they trusted to their own sober observance of and steady attachment to the law, and to that energetic industry for which they are remarkable; but this they could scarcely exercise, for, discountenanced by a government whose sympathies and favour were entirely monopolised by the hostile majority which surrounded them, they had seen their clergy persecuted and starved, their properties deteriorated, and their homes rendered miserable: scarcely a man in the humbler classes of life dared stay out late to make his market; every outrage carried apprehension to a hundred cottages. What the whole amouut of alarm and disgust had swelled to might well be guessed from the vast tide of Protestant emigration which was this season, beyond all others, setting from the shores of Ireland.

Sir *D. Roche* said, he had presented a great number of petitions to the House, praying that the Irish Government should not be handed over to the Orange party, and in this prayer he entirely concurred. From the statement of the hon. Gentleman who had just sat down, it was evident that there would soon be no difference between the Protestants and Catholics of Ireland; and in the part of the country with which he was acquainted, there was just as much security for the one as the other. A long period of time would elapse before the people of Ireland could forget the treatment they had received at the hands of the Government of the Tories. He remembered when the first detachment of a body facetiously called "Peace Preservers," were sent to the county of Limerick. That body of police were then commanded by the late Mr. Going, and they left scarcely anything undone to annoy and irritate the people; they drank Orange toasts and sung Orange songs at the public-houses where the peasantry used to frequent; and the result of the improper course of proceeding which they had adopted was to incense and irritate the peasantry to such a degree, that Mr. Going, the commander of the police, was murdered, having fallen a victim to his own imprudent and injudicious conduct. Some time after the arrival of these men in the county Limerick, seven men, who were of a party that were illegally proceeding to search for arms, were shot by the police. He did not mean to say that they had not done so in the proper discharge of their duty, but the manner in which those bodies were disposed of after the inquest upon them was calculated to harrow and excite the feelings of the peasantry; their bodies were thrown publicly into a hole on a common and covered with quick lime. Such was the mode of treatment adopted towards the people of Ireland by a Government which had the support of many of the hon. Members opposite. He was not very conversant with the number of cases sent before the officers of the Crown; but he well recollected a most brutal murder which had occurred in his neighbourhood (Limerick), by a man named Regan, which had been committed within a mile of his own house, on a person named O'Neill. The magistrates of the neighbourhood brought him to his trial, and he was convicted. Application was made by his relations to have his sentence commuted, which application was refused by all the magistrates of the county, but in three months afterwards that man was found walking at large amongst the people. How that took place it was impossible to find out, but the man had come back, and told his relations, that if he killed a dozen more men, he had got friends who would bring him through it. Could that be attributed to the Marquess of Normanby's Government? He believed, that the laws were more respected than ever they had been before. He believed, that the people had confidence in the administration of justice, and he believed, that if the system was changed, and the Orange system re-established in the country, that they would have one of the most dreadful convulsions that they had ever had in the country.

Sir *C. Douglas* was understood to say, that he was perfectly certain of what the consequences would be, if on [illegible] occasion like the present the Government should not be strongly supported. If turned out of office, after making some new treaty of alliance, no matter how disgraceful, they would not fail to take some factious means of regaining their places. If he were not persuaded, that if the Gentlemen opposite should be turned out of office, a most efficient Government would be formed, with a determination to reform every abuse, and which would secure to itself the confidence of the people, he would take no part in aiding the accession of a new administration to office. He well remembered with what professions the present administration had come into office, but their actions were in direct contradiction to their professions. They called themselves Whigs, but, whatever their name, they had so acted as never to receive the confidence of the country. They had descended to the sacrifice of their former principles to retain the emoluments of office. He opposed the motion of the noble Lord (Lord J. Russell), because he sought for a vote of confidence in his Government, which he would never give to any Government depending on for its existence a Precursor with patriotism on his lips, and interest in his heart

Mr. *W. Roche* said, that the hon. Member for Warwick, who had just resumed his seat, had indulged himself very largely in a strain of censure and condemnation on the general policy of her Majesty's Ministers, but scarcely condescended to touch upon their policy towards Ireland, which was the particular if not exclusive object of debate; that, therefore, he (Mr. Roche) would not refer to the hon. Gentleman's arguments, leaving them to be so much more effectively refuted by Ministers themselves should they deem it necessary to do so. He proceeded to say, that amply as both sides of the House endeavoured to sustain their arguments and views by facts, incidents, and statistics, he did not mean to avail of those supports, but to confine himself to a few general observations in defence of his determination to vote for the motion, or rather the resolution, proposed to the House by the noble Secretary for the Home Department. That he would do so not only cordially but gratefully, persuaded as he was that that noble Lord, his colleagues, and their late excellent representative in Ireland, the Marquess of Normanby, were brought to the bar of the House of Lords, and put upon their trial there, not because they governed Ireland ill, but because they governed it honestly, impartially, and well;—not because they administered the affairs of that country in the former spirit of exclusiveness, partiality, and ascendancy, but because they did quite the contrary, by conducting those affairs on the comprehensive and constitutional principle of universal fairness and justice;—not because they treated the Irish people according to the epithet and estimate used towards them in another place, namely, as aliens in blood, religion, and language, but as subjects of the same realm—as bound by the same ties of allegiance—as actuated by the same sense of loyalty, and consequently entitled to and heirs to the same rights, privileges, and protection. Sure, therefore, he was that if any unfortunate circumstances, whetherforeign or domestic, gave occasion to put to the proof Irish feelings and gratitude, they (the Irish people) would be found, under the influence of this conciliatory and just conduct, to flock in tens of thousands to the banners of her Majesty in defence of her realms or her rights. He said, that in considering the conduct of Lord Normanby and of her Majesty's Ministers in regard to Ireland, or indeed on any subject, or on the conduct of any government, he would not allow himself to be swayed by a few isolated occurences, but that he would look to the whole intent, scope, and result of that conduct; and that when he found those tests based, as they were in this instance, upon uniform and sincere principles of fairness and justice, he would not, as he had already remarked, suffer a few isolated incidents, even if proved (which they were not, for every such charge was well explained and accounted for), to weigh a feather in the balance against the magnitude of the favours and the blessings on the whole conferred. Lord Normanby had been charged with a misdirected and excessive exercise of clemency — a novel charge certainly in Ireland, where the government and the governors were heretofore known only by systems of opposite tendency. Novel, therefore, as this exercise of mercy and conciliation was to the Irish people, his Lordship may well be excused for exhibiting pretty largely to their admiring gaze so rare an exotic, and thereby demonstrating to them that grace and clemency were attributes of regal and vice-regal authority and feeling, as well as the more repulsive, yet necessary, powers of punishment and penalties. But, Sir, if this clemency had been, as formerly, confined to a favoured portion of the community in Ireland, little would be heard of this censure and condemnation. It put him in mind, he said, of an occurrence in the history of the former municipal corporations of Ireland. Sometime about the year 1760, the oppressions and misdeeds of the Limerick portion of those gentlemen were brought before the Irish Parliament by, he believed, the grand uncle-in-law of the right hon. the Chancellor of the Exchequer, who sitting just at hand could correct him if wrong [the Chancellor of the Exchequer said it was in 1761], and what was the defence set up by the Limerick corporators of that day? Why, Sir, not that they did not commit those acts of oppression and malversation, but that they only practised them against the Papists, which of course they considered not alone pardonable but laudable. At that time, Sir, a Roman Catholic citizen had, as it is stated in, he believed, that report to Parliament, an officer of a newly arrived regiment quartered on him; and though that officer went away and was absent for a considerable time, yet that citizen was obliged to devote the room to his luggage and wait the pleasure of his return. This he (Mr. Roche) said may be deemed a digression, but it showed the spirit of those times and the contrasted value of the change they were then deliberating upon. Ministers were, he said, arraigned for for asking the opinion of this House while inquiry into their conduct was pending in the other House; but who could doubt what would, before a tribunal so constituted, be the result? and that Ministers therefore did, in his mind, quite right to anticipate that verdict and to counteract its aim and influence by obtaining, as he trusted they would on the present occasion, the approval of the representatives of the people, who on every discussion upon the administration of the laws and the policy of Lord Normanby's government in Ireland, sanctioned those proceedings by uniform majorities and applause. His hon. Friend, the Member for Kerry, did, in his excellent speech just then delivered, most forcibly and feelingly advert to Lord Normanby's anxious and very successful endeavours to put down those savage combats of the peasantry at fairs, which so long barbarised the country; nor could his Lordship have granted a greater boon to that country, demoralizing and shocking as those occurrences were; and though he (Mr. R.) would not say they were countenanced, he could not say they were, for a long time at least, discountenanced as effectually as they ought; a feeling, or saying, being pretty prevalent, that if the people were allowed to indulge in fighting among themselves, they would have the less time and thought of contending for political rights. On the sanguinary and abhorrent nature of these occurrences, he would take the liberty of mentioning an anecdote. He was with his sister in the county of Tipperary, and while walking her domain, met some females of the peasantry getting over the hedges. In doing so some of them fell, and from them fell blunderbusses and other deadly weapons, which they acknowledged they were taking to their fathers, brothers and relatives, in order to assist them in the forthcoming deadly, but unmeaning fight. Surely, Sir, he who turned his attention so humanely and wisely to this subject, deserved well of the Irish people. In the course of this debate, it was alleged by some speaker or speakers on the other side, that a hatred existed in Ireland to Protestants, merely on the score of their religion. Of such hatred, whether in acts or in speech, he (Mr. R.) believed no fact could be fairly adduced; any such evil was always connected with temporal, not religious influences, and amongst the multifarious public meetings of the Catholics, which take place in Ireland, any thing derogatory to Protestantism, as a religion, is never head, or if heard, would be instantly reprehended, while both in Ireland and here, we ever and anon witness the indulgences of contumely and abuse of Catholicity. Into the statistics of comparative crime and prosperity he would not enter, or delay the House on a subject already so amply and ably handled. He would, therefore, only repeat his determination cordially and gratefully to support the fair and honest policy of her Majesty's Government towards Ireland, so long and firmly pursued by the able and amiable Marquess of Normanby, and would, he was sure, be continued and maintained by the present worthy Viceroy of that country. And in support of the justness and soundness of that course of policy need stronger or more irresistible testimony be adduced than the opinions of the Duke of Leinster, and of that splendid meeting which lately took place in Dublin, whose sentiments were so pointedly and unequivocally expressed in the petition emanating from it, and yesterday laid on the table of this House by his hon. and learned Friend, the Member for Dublin, subscribed to by men alike eminent in rank, intelligence, and property, thoroughly acquainted with Ireland, and intimately interwoven with its fate?

Mr. *Plumptre* was convinced that one of the principal causes of the disturbed state in which Ireland was at present situated, was the want of scriptural knowledge amongst the people, who were completely under the influence of a numerous, ignorant, immoral, and political priesthood. The Popish religion, which was the cause of so much misery and social evil in Ireland, was supported by the present Administration, and therefore it afforded him strong ground to indicate his opinion of that policy by giving his warmest support to the excellent amendment of the right hon. Baronet the Member for Tamworth. The priesthood of Ireland added to their other oppressions a constant practice of thundering forth to the ignorant people the terrors of another world, in order to sway them for their own purposes; and the lamentable effects of that conduct were obvious in Ireland. That country could not present any other than a lamentable picture so long as the sacred Scriptures were kept from the people, or explained away, and their meaning tortured by notes and comments. The Scriptures were the true and only true guide to teach the people their duties to God and man, and so long as the sacred volume was withheld from the majority of the population in Ireland the country would continue disturbed and unsettled. Give the people of Ireland a full and free use of the Scriptures, and a change would be brought about which could not be effected by any other means. He was opposed to the present Ministry because her Majesty's Government was supporting Popery in Ireland instead of strengthening the Protestant religion, as they were bound to do. He did not look upon the motion of the House of Lords as a vote of censure upon Ministers, and therefore he thought the proposition of the noble Lord uncalled for. Looking upon the amendment of the right hon. Baronet the Member for Tamworth to be wise in principle, he should give it his heartfelt support.

Mr. *Redington* had heard with surprise, not unmixed with indignation, the remarks of the hon. Member who had just sat down. As a Catholic he could not sit silent while he heard such calumnies upon his religion and its priesthood. He would not in that place enter into any discussions upon religious questions, because he knew it was not the proper place for them, but he must say of them, that probably the intensity of the bigotry out of which they rose was equalled by the sincerity of the hon. Member's opinion on the subject. The hon. Member had made use of statements with respect to the Catholic religion and priesthood of Ireland which not only the Catholic, but very many of the Protestant Members present, knew to be utterly unfounded, except in bigotry and intolerance. He was unwilling to use strong language, but considering the calumnies by which his religion had been attacked, he hoped the House would excuse him if he had used it. The hon. Member (Mr. Plumptre) had held out the free use of the Scriptures as a remedy for the evils of Ireland. Was he (Mr. Redington) to take the county of Kent as an example in this respect for all the counties in England and Ireland? He would suppose that the cathedral of Canterbury was filled with clergymen all zealous in the performance of their duties, and that all the other clergymen of that county were equally devoted to their spiritual duties; but with all this was he, then, to take that county as an example for all others? Did the hon. Member for East Kent remember what took place in that county last year? Did he recollect who were the deluded followers of the impostor Thom?—and if he did let the hon. Member compare the ignorance of those followers with the intelligence of those who sent him (Mr. Redington) to that House as their representative. He was sure the comparison would turn out to the advantage of his constituents though they were Catholics. He would support the motion of the noble Lord because he felt that the laws were equally administered to all under the Government of Lord Normanby. It was said by hon. Members opposite that the motion for inquiry which had been carried in the House of Lords was not meant as a censure on the Government. What else could be meant by the terms used in the motion, for an "inquiry with respect to crime and outrage by which life and property were rendered insecure in Ireland," and the period to which that insecurity referred was that of the government of Lord Normanby since 1835? Why, any man, even the most ignorant man in Kent, must see at a glance that the motion so worded was meant as a censure upon the Government of Ireland. If the present motion were so objectionable as hon. Members opposite seemed to think, why had it not been met by a direct negative? Instead of that straight-forward and manly course, the opposition offered was of a most pusillanimous kind. If Gentlemen opposite wished to oust the present Ministry and to take their places, would any of them say on what principles they meant to govern Ireland? Was it on the principles of the right hon. Baronet the member for Tamworth, or on those of the hon. Baronet the Member for the University of Oxford, who opposed municipal reform in Ireland? Or was it to be on the principles avowed by the hon. Member for East Kent? He must say, that on none of those principles could Ireland be governed. It was seen that on the present occasion men who had not hitherto taken any part in politics came forward to express their approval of that system of government by which at length something like justice had been done to Ireland. He hoped that the prayer of the numerous petitions which had been presented from Ireland would prevent the return to power of those who, judging by their former conduct, would prove a curse and not a blessing to Ireland; and he called on all those who regarded the peace of Ireland, and who would preserve its connexion with this country, to vote for the motion of the noble Lord.

Sir *F. Trench* said, that as remarks had been made on a green flag being carried before Lord Normanby on his entrance into Dublin, he must certainly admit, that he had a love for the colour of his native country, but at the same time he should have wished that the green flag had borne a crown as well as an Irish harp emblazoned upon it. He had listened last night to the speech of the right hon. the Attorney-General for Ireland with great expectation, but with great disappointment; for the right hon. Gentleman had not only introduced nothing new, but had avoided all the important parts of the question. He had the satisfaction, however, to hear that speech most completely annihilated by the right hon. Member for the University of Dublin. From what had been stated to the House, and from instances he could mention, they must agree with him in thinking that it was not always from violent landlords that the violent ejectments which they had heard of had proceeded. Much as the Government were to blame, doubly would they be to blame if they lent themselves as instruments to those who professed, to utterly exterminate the Protestant religion in Ireland; and he must confess, that it was not only with surprise, but with feelings of disgust, that he had heard the insulting language of the noble Lord the Secretary for the Home Department, when the condition of the Irish clergy was stated in that House, and the sneering manner with which the noble Lord had treated their miseries. There was yet, however, one mode of tranquillizing Ireland, for if the party of the hon. and learned Member opposite would only take a tithe of the pains to promote agricultural industry, and the general peace of the country, that they did to excite agitation, and if the hon. and learned Member himself would only exercise the immense power he possessed over the minds of the Irish people with the same object, instead of outrages and murder being committed, there would be tranquillity and happiness throughout the country. He could not agree with the specific proposed by the hon. and learned Member for the great population of Ireland, as to transplanting manufacturers from England into Ireland, and withdrawing persons from Ireland to England to work in our manufactories here. Such a scheme would not be agreeable to the people of Ireland, for if ever there was a strong, and he might say, a miraculous love of country, it was possessed by the Irish. He did not speak this from there being any want of the advantages which nature could give to that country, but from the degraded situation in which she was placed. He had travelled through many foreign states, but never had he witnessed any place so miserable and impoverished as his native country. He trusted that the landlords would endeavour to ameliorate the condition of their tenants, and if they did so, and the hon. and learned Member would direct the people to turn their minds to agriculture, they might make Ireland the Sicily of Western Europe, and then would there be no cause for the abolition of the Corn-laws, which must prove the destruction of England. All that he was anxious to do, was honestly, fairly, and boldly to declare his conviction that the government of Lord Normanby was not beneficial to Ireland.

Mr. *Hume* thought that the picture which had just been drawn by the hon. Member for Kent of the miseries of Ireland, said more in support of the noble Lord's motion than anything that had yet been advanced on the subject, because now, for the first time, for ages, the miseries of that long misgoverned country were sympathised in by the Ministers of the Crown, whose conduct met with a hearty and grateful acknowledgment from the people. The hon. Member had spoken of the crimes and particularly the murders, which took place in Ireland. But he very much doubted whether, if the same returns of crimes were made in England as in Ireland, the comparison would show that there was less of crime and murder in the latter than in the former kingdom. This very day, as he passed from the City, he had inquired as to the proceedings of the Central Criminal Court. He was told that the sessions were closed, but that there had been 380 persons tried; and that large number was only of five or six weeks' collection. Now let them compare the enormous amount of crime, in London alone, with some of the counties of Ireland, in one of which there had been two maiden assizes immediately following one another. The party opposite had supported Lord Grey in passing that most tyrannical and pernicious measure the Coercion Act; and he well recollected the horror with which the details of crime and misery, stated by the noble Lord (Stanley) who moved that measure in this House, were listened to. The county of Kilkenny was the first county in which martial law was proclaimed in virtue of that measure; but, from being the chief seat of agitation and outrage, as it then was, how different was its condition now? In the charge to the grand jury of the assistant barrister, on the 12th instant, the learned gentleman congratulated the grand jury upon the fact that there were only sixteen cases in the calendar, several of which were committed anterior to the previous session, and all of which were for very slight offences. He took occasion further to congratulate them upon the fact, that there was not any place in her Majesty's dominions more tranquil and free from crime than the large and populous county of Kilkenny. The learned Gentleman said, that he would state further; that he had heard reports in circulation alleging the existence of a system of ribandism in the country. All he could say was, that although he had thought it his duty to make strict inquiry about this allegation, he could find nothing at all (in the county of Kilkenny) to support such an idea. He had also consulted with his excellent colleague, Mr. Greene, who entirely concurred in that view. "If ribandism did exist," continued the learned gentleman in his address, "it would have ere this been betrayed by its usual consequences —prædial disturbance, midnight outrages, and unlawful violence of every kind; but happily in your country such symptoms are not exhibited; life and property are secure, and this is, I think, only to be attributed to the firm and impartial administration of the law which the country now enjoys." Now, how did this statement agree with the alarming pictures which were drawn by Gentlemen on the other side of the House; and the bold allegations that life and property were not secure under Lord Normanby's administration? The hon. and gallant Member who last spoke said, that he had heard the speech of her Majesty's Solicitor-general for Ireland with disappointment. He, on the contrary, differed from the hon. and gallant Member in his opinion on that subject, for he could not but consider it a speech of a most convincing and unanswerable character. It had most clearly shown the actual decrease of crime in Ireland, not on the hon. and learned Gentleman's own simple statement, but upon the best possible proof, the official letters of the clerks of the peace, and the official report laid by the Prison Inspectors before the House. Yet, upon these very returns it was, that the hon. Member for Belfast and others had attempted to make out a case against the Government. But the learned Recorder of Dublin, who doubtless saw how difficult it would be to reconcile these returns with the case which had been made out, said he placed little reliance upon them. But if the case were so, and that little reliance could be placed upon these returns, the whole charge against the Government, and the whole of the proceedings which had taken place elsewhere on the subject, avowedly founded on these returns, fell to the ground. He thought that if the excellent advice of Lord Normanby to the magistrates of Tipperary in Mr. Drummond's letter, had been earlier acted upon, the county would have been in a very different state from what it was at present; for he thought nothing was more true and undeniable than that property had its duties as well as its rights. He admitted that it was necessary sometimes to call in the military in aid of the civil authorities; but, at the same time, the wholesale cruelties which were perpetrated in Ireland by their means must fill every one with horror. He would call the attention of the House to an occurrence which took place only the other day, and which was recorded in a newspaper which he held in his hand. [The hon. Member read the Report of the driving or clearing of Lord Lorton's estate, from which 462 families had been removed within a few years.] That statement had been published anonymously; but he understood that the writer of it was ready to come forward should any of the facts be disputed. That case he cited as an answer to the hon. Member who had spoken last, who denied that any cruelty on the part of the landlords had existed. It was said by hon. Members that the Catholics had done all this, and that the Catholic religion was the bane and curse of Ireland; and, to carry out the speech of the hon. Member, it would require a war of extermination, to reduce the country to anything like a state of peace. The Tory friends of the hon. Member had governed Ireland during the last 600 years; and they had had every means which the power of the Government could give to change the religion of the country; but, on every occasion where persecution had been resorted to, Catholicism had increased. The hon. Member ought to remember that in Ireland the Catholics were to the Protestants as seven to one; he would ask, were the seven to be exterminated in order that the one might live in peace? It seemed to him that the hon. Member for Kent (Mr. Plumptre) was like the hated Inquisitors of old—they always said, that theirs was the true religion—and so did the hon. Member say of his; and he, like them, was for persecuting every one who differed from him. Give the hon. Member the same power which had been enjoyed by the Grand Inquisitor of Spain, and he fully believed, that his actions would be as bad. The cause of the evils of Ireland ought not to be kept out of view. The maintenance of the dominant Protestant Church in Ireland was the real bane of that country; and he did not expect to see harmony established in that country, so long as the present enormous Establishment was kept up; and therefore, when the proper time arrived, he would have no hesitation in giving his vote for such a reduction of the Establishment as would make it commensurate with the number of Protestants in that country. The government of the Marquess of Normanby, by the administration of justice impartially to Catholic and to Protestant, had given confidence and satisfaction to the immense majority of the people of Ireland, as was proved by the number of petitions which had been presented within the last few days to that House, stating their gratitude to him for his conduct whilst in Ireland. The vote which was to be given this night, was no vote of confidence in the Ministry. The attacks which had been made upon the Irish policy appeared to him to be strictly personal attacks on the noble Marquess. He wished that Ministers would act towards England and Scotland in such a manner as to give equal satisfaction to the people of those countries. The vote he would give in favour of the resolution of the noble Lord was confined exclusively to the policy they had pursued in Ireland. He had attended closely to the administration of the Marquess, and when that House addressed his late Majesty, on the subject of Orange Lodges, and his Majesty expressed a wish to discourage all secret societies, Lord Normanby rigidly carried out that wish in every department; but that Orange society, which they had been led to believe was at an end, he was exceedingly sorry to observe was again revived. Was it possible to suppose that the right hon. Member for Tamworth was ignorant of what was going on in reference to those Societies,—that the Orange Societies were reviving in Ireland? Or was it to be wondered at that the people of Ireland should dread the consequence of such proceedings? He observed from the *Derry Standard* of the 10th or 12th of this month, that a meeting of the Orangemen of Coleraine had taken place, at which the Rev. John Graham had taken the Chair; and at which they came to a resolution, among others, that the appointment of Lord Fortescue had been a source of deep alarm to them, and that they hoped her Majesty, recollecting her Coronation oath, would cancel that appointment. Here was an attack made immediately against the appointment of the Viceroy of Ireland, which was calculated to prevent him from exercising his powers in the way he might exercise them, if unfettered by their combinations. He hoped the time was not far distant when all these Associations would be put an end to, and when peace and unanimity would be restored to Ireland. With that hope he should support the resolution proposed by her Majesty's Ministers, as a just tribute of approbation of the Marquess of Normanby's Government of Ireland.

Dr. *Lefroy* trusted, that the House would feel, that he had a reasonable claim on its indulgence, when they recollected, that his name and that of a noble Friend of his had been mentioned in connexion with certain charges which he had reason to suppose would not be brought forward again, after the full and satisfactory answer which had been given to them on a former occasion. These charges, however, must be met as often as they were brought forward, although they were quite irrelevant to the question before the House. It had been stated, and stated truly, that in the course of the present month Lord Lorton had taken possession of some property which he had recovered in ejectment, in consequence of the refusal of the tenant to give up possession. The state of the country required, that the writ of execution should be carried into effect by a large military force; and that such a force was necessary the House would perceive from the fact, that whilst the sheriff was executing the writ, the priest of the parish came to the place with a large concourse of persons, and having knelt down, cursed Lord Lorton and Lord Lorton's agent, and heaped upon their heads the most awful imprecations that the tongue of man could utter. Whatever was then done was done by the sheriff in the necessary exercise of his duty, in order to give possession to the rightful owner of the property. To the circumstances which had led to the necessity of the ejectment in question he would beg leave shortly to call the attention of the House. The property was originally in the possession of another family. It had been let to a middleman, who had introduced upon the property an immense number of persons of no substance, to whom he had let the land at a rack rent. In 1835 the first lease fell out, and Lord Lorton then made an agreement with a large portion of those people, that they should leave the property, and enabled every man who left the land to take another farm or to emigrate to America. A considerable body, however, of solvent tenants were left upon the land. In order to improve the property, Lord Lorton introduced upon it from the north of Ireland an active agriculturist who was peculiarly skilled in the cultivation of flax. Not three months had elapsed from the time that he came upon the estate when that man was barbarously murdered. He was murdered within a quarter of a mile of the village, within the sight of a large portion of the inhabitants; yet when the wife of the murdered man ran to the village for assistance, instead of meeting with sympathy and succour, they mocked her cries and distress. Lord Lorton then gave notice to the inhabitants, a large reward having been offered in vain for the detection of the murderers, that unless a discovery was made, so as to enable him to bring to justice the perpetrators of that murder and of four other murders, he would remove all the inhabitants from the village. No discovery, however, was made, and Lord Lorton accordingly removed them. But he gave every man money to enable him either to emigrate to America, or to take a farm elsewhere, however undeserving he was of such kind treatment, and every member of his family was provided for upon the execution of the writ. With regard to the charge which had been made against himself, he could state in the face of the House, that to the best of his recollection he had never brought more than one ejectment to recover property in the county of Longford, and that ejectment was brought for a single tenement, having been petitioned by the neighbours of the tenant to do so, as the man had turned it into a nuisance, and made it a house of ill fame. He would also just advert to another point which had been alluded to on a former occasion, in order to show how little credit was due to the statements made from the quarter from which he believed these to proceed. In a report of a trial given in the *Dublin Evening Post*, it was alleged, that a verdict had been given against Lord Lorton in an action which he had brought to dispossess a widow of a tenement. It had been stated, that Lord Lorton had attempted to take possession by force of a widow's tenement, and that, failing in that attempt, he had brought an action of ejectment against her. On the trial of the ejectment an unexpired lease for eighty-one years was produced, and on the production of that document the jury found against Lord Lorton. Such were the statements which were made; but what were the real facts of the case? On after inquiry it was found, that no such lease as had been brought forward had ever been executed. There had been a lease for thirty-one years and a life, and the thirty had ungenerously been converted into eighty. It appeared further, that there was no power to grant a lease on the estate beyond the period of thirty-one years, and when the rental of the estate was discovered, it was found stated in that document that the lease really had been for thirty-one years. All these facts had been discovered since the trial, and he would now ask, what reliance was to be placed on such statements when directed against a landlord of well-known generosity? He might also state, that since the trial the gentlemen of the county had presented an address to Lord Lorton expressive of their sense of the benevolence of his character, and of his excellent qualities as a landlord and country gentleman. He should not trouble the House further, but, as these charges had been made, he should have been wanting in duty had he not replied to them, and thus put the House in possession of the real facts of the case.

Viscount *Morpeth:* I feel it would be impossible for me, upon such a motion as that of my noble Friend, after such an amendment as that of the right hon. Baronet (Sir R. Peel), in such a posture of affairs as the present, and still further after the many statements we have heard in the course of the present discussion—I feel, I say, that it would be impossible for me, in the situation I have the honour to fill, and after the part which I have had to bear in many of the transactions which have formed the main subject of debate, to remain upon the present occasion wholly silent; but I also feel, that after the considerable length to which upon a previous occasion in the course of this session I was permitted, by the indulgence of the House, to vindicate the measures and policy of the Irish government, and after the full and protracted debates, which have occupied both branches of the legislature upon the same theme, that I should have hardly sufficient reason or excuse for any further very lengthened trespass on the attention of the House; and especially that whereas on previous occasions I have felt myself obliged to go into a vast mass of statistical and other official details and papers, I may now, luckily for the House and myself, consider myself comparatively relieved from the like necessity, and be content for the most part to deal only with general principles and broad results. I shall not feel it necessary to follow the right hon. and learned Gentleman who has just sat down through the speech which he has made, and which was naturally called for from him; but the right hon. and learned Gentleman himself has stated, that in the painful proceedings which have taken place, the Government fully supplied all the assistance which they were called upon to do. The motion of my noble Friend (Lord J. Russell) leads us into two branches of consideration—first, the necessity of such a motion being brought forward at all at the present time, which is questioned and denied by the amendment of the right hon. Baronet (Sir Robert Peel); and, secondly, the abstract propriety of the motion, which is asserted and maintained by us. With the first part of these two branches of consideration the amendment of the right hon. Baronet alone proposes to deal. That amendment is entirely a matter of time, place, and form. Of itself, it has neither shape nor substance; it has no more colour than a cameleon; in fact, it is only a new version of the old song of the "previous question," resembling the needless Alexandrine of the poet—

> "Which, like a wounded snake, drags its slow
> length along."

With the speech of the right hon. Baronet, and with the agreeable tone and temper which distinguished it, I have no reason to quarrel. It formed in those respects a striking contrast with many of the speeches which we have been doomed to hear on Irish subjects, and with some, indeed, which have followed it in the course of this debate; although I must, at the same time, do those who have preceded me the justice to say, that, considering the nature of the subject and the circumstances of the time, our discussion has evinced less of acrimony than is usual upon questions which relate to Ireland. There has been certainly, in the course of the evening, an attempt—a solitary, most unwise, most illiberal, and in this day I hope most desperate and hopeless attempt on the part of the hon. Member for Kent (Mr. Plumptre) to introduce into the debate a spirit of religious discord, and to renew the fires—I trust the waning and expiring fires—of religious strife and quarrel. I lament as much as any man the occurrence of instances which some hon. Gentlemen have alleged, in which Protestants have been persecuted by Catholics. Nothing can be more alien to the feelings of the Government—nothing more hateful to the feelings of every man who professes Christianity, than any such conduct. But I put it to the House, whether it is a likely or probable way of putting down that spirit, and of counteracting these objectionable and atrocious proceedings, to hold out to the people of Ireland, in places where such matters do not come properly under discussion, that they do not possess a true religion, and that they have a political, immoral, and—I forget what other opprobrious epithet was applied—priesthood. It was contended by the right hon. Baronet, and by those who, in following him, have treated most of the constitutional part of this question, that the vote of the House of Lords, of which we have now official cognizance, in consequence of the search which has been made in their journals, ought not to be considered as a vote of censure—that it comes as perfectly within the proper province and department of that branch of the legislature to move for a committee of inquiry as it does with our own to move for the production of papers; both the one proceeding and the other being in fact mere preliminary steps for the purpose of ascertaining whether there be any sufficient ground for the adoption of ulterior measures. Certainly I cannot take it upon myself to deny, that committees of inquiry may be moved for. They have often been moved for without giving any necessary ground for outrage or offence. Neither can I deny, for the fact is notorious, that many committees of inquiry have been moved for, and carried with the full acquiescence and even approbation of the existing Government. The right hon. Baronet (Sir R. Peel) cited instances of the appointment of such committees; he cited the instance of the committee which was moved for in this House in 1832, and to which it was not to be supposed that the Government of the day would be disposed to offer any serious objection, inasmuch as that it was moved by one of their own body, the right hon. Gentleman the Member for the Queen's county. The right hon. Baronet also mentioned a motion made in the House of Lords for a committee to inquire into the appointment of sheriffs in Ireland; and he seemed to infer that that was even a stronger case in point than that which we are now discussing, because the inquiries of that committee would be directed to that which was undoubtedly and exclusively a matter for the discretionary exercise of the royal prerogative. But I would remind the right hon. Baronet that all exclusive references to the particular proceeding of the Lord-lieutenant of Ireland was purposely excluded from the matters referred by the Lords to their committee; and that the chief ground for appointing the committee at all was an alleged and acknowledged difference of opinion as to the state of the law concerning the appointment of sheriffs. Several law Lords spoke upon the subject, and as even law Lords can differ, pronounced most opposite and conflicting opinions. But if we are to be encouraged in appointing other committees—if we are to be expected to acquiesce in the appointment of other committees, I certainly conceive that the encouragement we shall receive from the beneficial exercise of the labours of the Lords' committee upon the subject of the appointment of sheriffs in Ireland will be very slight indeed, for to this day they have made no report, nor offered any opinion whatever as to the result of their deliberations. But it is quite plain that the question of whether a vote for the appointment of a committee of inquiry ought or ought not to be considered as a vote of censure, must depend upon the evident intention—upon the *animus* with which it is made—upon the statements by which the motion is accompanied, and upon the arguments by which it has been supported and passed. Of course I can have no accurate mode of access to what was said or urged upon the occasion of the appointment of the committee of which we now complain. Still I think it can be well imagined that an inquiry might have been moved for into the conduct of any particular functionary upon such reasons as these: but upon his administration rested the responsibility of the tears of sorrow and the streams of blood which have marked the career of his authority—that his administration had been detrimental to the public safety—that he had suffered crime to go on unnoticed and unpunished, whereas his predecessors in the same office wherever and whenever they met with crime had grappled with it and subdued it; that it was painful to see the office so bestowed and functions so exercised. Upon reasons such as these, it might be contended that there was a *primâ facie* case of blame. Whilst, on the other hand, the functionary so impeached might naturally say, that charges so brought forward presented not merely a *primâ facie* case of blame, but amounted, in fact, to a direct vote of censure. And I put it upon that ground to the consideration, even of the hon. Gentlemen opposite, whether, in the instance of a committee of inquiry into the conduct of an official functionary, brought forward in this manner supported by such arguments, accompanied by such imputations, by the House so deceived, and by the functionary so repelled—he put it to the hon. Gentlemen opposite to say, whether a committee of inquiry, appointed under such circumstances, would not have borne the character, the *bona fide* character, of a tolerable distinct vote of censure, and would not have left ground for it to be inferred, that a stigma was intended to be cast, if not actually affixed, upon those who, having first been made the subject of calumny, were afterwards to be made the subject of inquiry? And what have the opinions which, in the course of the debate within these walls, have been delivered, developed upon the subject? Do we find here such a coincidence of opinion as would enable us to see clearly our way as to the vote to which we ought to come? The hon. Member for Wakefield (Mr. Lascelles), in his address of last evening, told the hon. and gallant Member for Sligo, that after his speech he did not see how he could vote for the amendment of the right hon. Baronet. Perhaps the most singular speech which has been made against Lord Normanby was that delivered by the noble Lord (Lord Powerscourt), the Member for Bath, a Member who, of all others in this House, might be expected to reflect most closely the impression which prevailed in the mind of the noble Mover of the Committee in the House of Lords.* The whole tenor of his speech went to shew, that in his view the committee was appointed, not to suggest remedies for the condition of Ireland, but to prefer an indictment against its late rulers. It is true, that the amendment which has been moved by the right hon. Baronet, offers no opinion whatsoever upon the merits of the Government; but we have been told to-night by the hon. and gallant Member for Sligo, and we were told the other night by the hon. Member for Londonderry, that the Administration of Lord Normanby was the greatest curse ever inflicted on the country. The hon. Member for Wiltshire, who made so smart and spirited a rally, the other night—I hope I shall never be the person to depreciate the merits of an opponent—the hon. Member for Wiltshire told us the Government was not accused; but the hon. and gallant Member for Donegal asserted, that the Ministry had been guilty of acts of the grossest corruption, servility, and selfishness, and for fear we should mistake his meaning—for the hon. and gallant Member assured us he desired only to address us in mild and civil language—he made his point clear by stating, that the condition in which we were placed by the motion of the House of Lords was that of culprits at the bar. It is true, that the motion which was brought forward by the hon. and learned Member for the University of Dublin, for the production of certain papers, specified a particular period to which the information he required was to be limited. That period extended only to the four years during which Lord Normanby had been in the administration of Irish affairs—that also is the period to which the judicial inquiry of the Lords is to extend. The right hon. Baronet (Sir R. Peel) laid particular stress upon the absence of any specification in the motion of my noble Friend as to any particular period to which the vote of confidence is to apply. He objected to the vague and indefinite character of the expression "of late years." Now, I think, that this distinction between the two courses of proceeding—between the course taken by the House of Lords and by the right hon. and learned Member for the University of Dublin marks the separate character of the step we have chosen to take. The motion of the House of Lords, in the true spirit of party—in the carping and invidious spirit of censure—fixes its implied condemnation upon particular men during a particular period, whereas the motion of my noble Friend, conceived in a more generous spirit, does not limit itself to any particular period, or to any particular men, but leaves the expression of confidence to apply to all to whom it may be due. I myself, on the occasion of the motion of the right hon. and learned Member for the University of Dublin (limiting his papers to a particular period), protested against the limitation as being conceived in what I thought an ungenerous and invidious spirit. True it was, that I did not think it worth while to propose an amendment to that motion, regarding it only as one of those inconclusive and every-day motions which are oftentimes resorted to as a kind of vehicle for the introduction of the regular quantity of abuse and attack which it is thought fit annually to expend upon matters relating to Ireland. Seeing, too, that the stirring recital of our misdeeds—the intense denunciation of our misgovernment was upon that occasion addressed to almost empty benches—I believe there were not forty Members present—I was not, perhaps, disposed to treat it with so much importance as has since been claimed for it. But we certainly thought, and I believe, that the House and the country will bear us out in our opinion, that quite a different character and complexion attached to the appointment of an inquisition moved in another quarter, and composed of such materials as the House is aware of, founded upon such imputations as I have described, and regularly and formally protested against by those most competent and most called upon to make the protest, as being in their estimation a vote of censure, and nothing else. The right hon. Baronet asks why the motion, if objected to by the Government, could not have been amended in the House of Lords, and made to embrace a longer period of time? I will not pause to inquire whether the tone and temper of the debate upon that occasion offered any particular temptation to Ministers to enter upon any ground of comparatively amicable arrangement. Our colleagues in the other House of Parliament may have felt that there would be great inconvenience resulting from the appointment of a committee which might disturb the ordinary business of the public departments, and call public functionaries from avocations which required to be continually attended to. Besides the great inconvenience of causing all important as well as all frivolous matters, all the most delicate as well as the most obvious considerations connected with the administration of justice, and even with the management of private property, to be for a time neglected —for such must be the inevitable result of the inquiry—perhaps they may have felt that there was great, and serious, and incalculable inconvenience in having such matters inquired into and called over before a committee, sitting from day to day, and which must necessarily carry on its inquiries bit by bit, and by irregular and fitful snatches. These objections, too, may have been strengthened when it was made manifest from the whole tenour of the debate, and from the nature of the charges brought forward, that not only the character and the causes of crime in Ireland were to be inquired into—not only that the leading principles and general conduct of the Irish administration should be investigated; but also that every specific instance of the exercise of the prerogative of mercy for the last four years —any appointment of an individual to any situation, however humble—in short, the whole of the daily measures and general routine of the Government during the Administration of Lord Normanby should be called over, scrutinised, and criticised by a tribunal before which the parties calumniated would not deign to appear. When such a proposition was made, our colleagues in the other House might naturally feel that it was calculated to make an impression on the minds of the people of England and Ireland, that the whole control and responsibility of the executive Government was about to be transferred to a different agency from our own, and to be conducted upon principles other than those which we have introduced, which we have endeavoured to act upon, and to which, as long as we are intrusted with the reins of power, we will adhere. If the House of Lords and the Gentlemen opposite really and actually believed in a tithe of that which they have no scruple in expressing—if any portion of the big words with which they are pleased to fill their mouths—if any portion of the big words of charge and crimination with which they are pleased to fill their mouths—were capable of being substantiated, the impropriety of the late course of proceeding would appear in colours infinitely more manifest and glaring; for enough has been stated twenty times over to warrant, I do not know how many impeachments. The hon. and learned Sergeant (Mr. Sergeant Jackson) I see cordially and fully assents to that assertion. Enough has been stated to warrant a dozen impeachments against Lord Normanby—against myself, who have been charged with the execution of many of his directions, and against the whole Government which acquiesced in and sanctioned them, by their continuing him in office. Admitting that a Committee of the House of Lords is not the proper tribunal to digest matters for arbitrary impeachments. On the contrary, there would be a great impropriety, a very unconstitutional tendency in such a body being called upon to sit and inquire into charges which afterwards in another capacity they would be called upon to sit and adjudicate as judges. But, it may be asked, if we took so grave and decided a view of the course pursued by the Lords, whether the emergency had not arisen upon which we ought to tender our resignation. I will at once state, that I think that would have been a very fair subject for consideration, and I am not sure whether I do not consider it the most difficult and debatable point of the case upon which we have had to deliberate. But consider the circumstances under which Lord Melbourne had been called into office, and the circumstances also by which he has since been sustained in it by the generous support of this House upon all essential points of his policy; I think it was due to this House, and more respectful to the country, upon a paramount point of the policy of the Government, the subject, perhaps, of hotter conflicts than any others that have occurred during the whole period of the Administration, but now in our view particularly impugned and arraigned, that we should take the best means to ascertain whether the representatives of the people who called us into power are inclined to join the ranks of our accusers. It was certainly a satisfaction to me to find on the last occasion, when the whole conduct of the Irish Government was brought under the discussion of the House—till the period when my apprehensions were relieved by the process of the House being counted out—to find, that almost all the cases brought forward were either so very old in date and so stale in texture as not to admit of being made the subject of discussion, while those of a more recent date admitted of the most satisfactory explanation and defence. Of very much the same character were the charges which I have heard stated in the course of the present debate. Perhaps the most notice has been called to the exercise of the prerogative of mercy. Now, with respect to one branch of this subject—the personal liberation of prisoners by the Lord-lieutenant—I must be permitted to remind the House that all the cases of this character occurred in the year 1836. They were then made the subject of a distinct and prolonged discussion, not only in this House but in the other House of Parliament. The Marquess of Normanby attended in his place, and entered into the fullest explanation of his whole conduct; and after hearing the whole charge, and the whole explanation by the noble Marquess in the House of Lords, and also an explanation which I gave in this House, neither House of Parliament thought itself called upon to take any step, or to offer any opinion upon the transactions which had occurred, and which were then brought under the notice of Parliament. The late Lord-lieutenant of Ireland never contemplated the practice to which I am now referring as forming part of any permanent system. But the noble Marquess thought, in the peculiar condition of the country, and considering its acknowledged state of improvement, that it was worth while to make the experiment whether, by thus bringing mercy directly before the eyes of those who were to be made the objects of it—and were only condemned for very slight and venial offences—a feeling and softening effect might not be impressed upon the public mind in Ireland. But, whether that experiment have failed or not, it has not been repeated. [*Hear.*] Is it an offence, then, that it has not been repeated? Is that the matter with which the Government is now charged? If not, what is the meaning of those taunting shouts with which my statement has been met? It seems indeed that the exercise of the prerogative of mercy is the only subject upon which no statute of limitation is to run; that the exercise of clemency is the only crime which is inexpiable and never to be forgiven. It was not so in what are now called better and happier times. I find from a return presented to the House respecting the operation of the Insurrection Act in 1824, that the number of prisoners committed in one county was 1,707, the number convicted 270, and the number acquitted 78. So that during one year, in that county, 1,400 innocent persons suffered imprisonment; innocent, at least in the eye of the law, having undergone no conviction. At all events, upwards of 1,400 persons were incarcerated without having been convicted of any crime. When we are told, that the prerogative of mercy was carried into effect by Lord Normanby with an unsparing hand, I must take leave to say, that here was a pretty good sample of punishment and of incarcerations of persons without trial and without proof; or if the hon. Gentlemen opposite assume that they were guilty, theirs was the prerogative of mercy—their case exercised without the formality of a trial. The only case to which the right hon. and learned Recorder of Dublin alluded last night, was a case which occurred in the county of Sligo. — [Mr. *Shaw*—Westmeath.] — I mean to go, if the right hon. Gentleman please, to Sligo. I do not deny, that a number of persons were liberated by the Lord-lieutenant in the county of Sligo, but I object to the inference drawn from it by the right hon. and learned Member on high authority. I have a letter written by a magistrate of that county, in which he declares, that not one of the individuals who had been released from prison by the Lord-lieutenant, had been since accused of a breach of the peace; and that the comparative lightness of the calendar before the court in that county last assizes, showed a diminution of crime; and he submitted that it was a reasonable inference that the liberation of the prisoners had had a great effect, and had been productive of much good. A similar opinion was also conveyed to Lord Normanby by the inspector of the gaol, who was a Protestant clergyman. I will not deny, as the hon. and gallant Officer asserts it, that the condition of Sligo, has since grown worse; I listened to his statement last night with feelings of deep regret, but the present agitated state of that county, is not to be attributed to the Government, and as far as it can be traced to any cause, seems to have arisen from the great excitement which followed the late contested election in that county, but for that, the Government is not responsible. It is seriously to be lamented that such consequences should ensue from such a cause. I did not collect that the hon. and gallant Member imputed blame to the Government in the case of the murder of the man named Coghlan; if he did, he imputed it without foundation; in fact, the Government did their duty to the best of their ability; they instructed their stipendiary magistrate to investigate the matter; and if the inquiry has been unsuccessful, it was not their fault. The right hon. and learned Gentleman also alluded to the conspiracy against Mr. Sims; but there was no neglect or inattention on the part of the Government, which gave the aid of the military and ordnance waggons, and every thing that had been asked for. He also brought forward instances in which the sentences of prisoners had been commuted, and particularly one case respecting a Mr. Gahan. That statement was received with most emphatic cheers, particularly by the right hon. Baronet, the Member for Tamworth. This was the substance of the statement made by the right hon. and learned Recorder, who no longer shared in their councils, he having already left London for the capital of the sister country, to administer justice in the metropolis of that country; and I must say of the right hon. and learned Gentleman, that the Members of the Government are the only parties whom he does not treat with perfect justice and impartiality. The right hon. and learned Gentleman, when stating his case, was called upon to "name." I felt myself tempted to ask him for names, because it is useful, when general accusations are made, to pin the accuser down to names. I am not aware that there are any documents in the possession of the Government to elucidate and explain the matter. I have not hitherto been able to trace any: and I have consulted the late Lord-lieutenant of Ireland with no better success. The noble Lord said he had no recollection of Mr. Brennan's case. Of course inquiry shall be made into the subject. The only case in which the name of Brennan occurs, is one for forgery, the circumstances connected with which are altogether so dissimilar to those stated by the right hon. and learned Recorder, that I cannot bring myself to believe, that that right hon. Gentleman alluded to the same case. The statement made by the right hon. Recorder was to this effect: "That the prisoner had a son a student in the College of Maynooth, and on the representation that it would interfere with the prospects of the son if the father were not pardoned, his liberation followed, and that without reference to the Judge who tried him." Now, the only case (as I have before said) of which any document can be found by the Government, is that of a man of the name of Brennan, who was tried for forgery, and sentenced to transportation. A memorial was presented in his favour from a large number of gentlemen in the county to the Lord-lieutenant, stating that an ample atonement had been made to the party suffering by the forgery, and soliciting a mitigation of the sentence. The Lord-lieutenant referred the case to Baron Pennefather, before whom the prisoner was tried, and he recommended that the sentence should be commuted for two years' imprisonment; through that advice, a commutation of the sentence was allowed. I cannot suppose that to be the case referred to by the right hon. Gentleman, all the circumstances of which are so different from the case he described. The right hon. and learned Recorder, however, laid still more stress upon the case of a Mr. Gahan, and if I rightly read the countenances, and interpreted the impression which that statement appeared to make upon the House, that was considered a case bearing most strongly against the late Lord-lieutenant of Ireland. The right hon. Gentleman said, "he would suppose a case where the prisoner had been accused and convicted of an aggravated assault—where he had been found guilty of a capital felony, by a respectable and intelligent jury, and where their verdict received the approbation and assent of the Judge. In that instance, a memorial had been got up, and presented to the Judge, on behalf of the prisoner, and to which he felt himself bound to send a report unfavourable to the party convicted, hinting, that it was not a case deserving of the exercise of mercy. The Judge having thus expressed his firm and sincere opinion, shortly received a letter from the secretary of the Lord-lieutenant, in which he was informed, that the law would take its course. Subsequently, however, a letter was sent to the Lord-lieutenant by a Catholic Priest, the brother of the guilty person, in which he boldly asserted his innocence, and in which he wrote an atrocious libel on the learned Judge who tried the case. On the receipt of that letter the prisoner was discharged. He believed the noble Lord knew the case. Did the noble Lord, the Secretary for Ireland, wish to know the name of the person? His name was Gahan." It is true that Gahan was convicted and was sentenced to seven years' transportation. A memorial was presented to the Lord-lieutenant, the drift of which was this:—Prisoner states that he was deprived of the benefit of his witnesses in consequence of his trial having come on unexpectedly. The jury recommended the prisoner, and they stated that had his witnesses been produced, it would have induced them to recommend the prisoner to the judge. That memorial was referred to the learned judge who tried the prisoner, and he gave it as his opinion that he saw no reason for the commutation of the sentence, and the minute of the Lord-lieutenant was, that the law must take its course. A memorial was then addressed to the Lord-lieutenant from the brother of the prisoner, the priest to whom allusion had already been made, and a most objectionable memorial he certainly addressed to the Lord-lieutenant, and upon which his Lordship made the following minute:—

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* Lord Powerscourt is married to a daughter of the Earl of Roden.

"Gahan, Wicklow County.

"Request Chief Justice Doherty to furnish me with a copy of his notes in this case of Gahan, as, in the former one of Connors, arising out of the same transaction (and where the trial was nearer the time when the events had happened). Mr. Justice Moore seems to have had so strong a doubt as to whether the police were in a state to identify Connors, that he recommended a free pardon. As this may not have come out on the second trial, I wish to see whether they were corroborated.

"At the same time inform the Rev. Mr. Gahan that I cannot approve of the tone of his memorial. I never receive anything in reference to any trial which I should not think proper to forward to the judge, and therefore I can never tolerate any sneer, however slight, which would be offensive to him, and is therefore displeasing to me."

The memorial was not intended to be sent to the learned judge, but it was unfortunately sent to him, which was afterwards explained and apologised for; but the learned judge would not accept the apology, and the circumstance led to a long correspondence, which I should be very happy to read; but Lord Normanby having left Ireland, I do not wish in the present case to revive anything unpleasant between the noble Marquess and Chief Justice Doherty. There is nothing in that correspondence which either of the parties can wish to be brought to light again. A letter was sent to the priest, and no other step was taken towards the liberation of the prisoner till other memorials were presented to the Lord-lieutenant, backed by several most respectable individuals—among others, by the two Members for the county—from one of whom I received a letter stating the circumstances of the case; so that, at all events, if there was anything improper in the preliminary application from a priest, it was subsequently sanctioned by laymen; and if the influence of the priesthood had been exerted, so also had parliamentary influence been used to operate upon the mind of the Lord-lieutenant of Ireland. But now I come to the point, and the only point which the House has to consider, which is this:—was the liberation and pardon of the prisoner which was eventually made, such as was not warranted by the circumstances of the case? On the memorial coming before the Lord-lieutenant he referred it to the trying judge, who reported that he saw no circumstances to warrant a pardon of the prisoner, and the Lord-lieutenant decided that the law must take its course. A second and a most objectionable letter (as he had already stated) was forwarded to Lord Normanby, and a sharp reproof was given to the party for sending to him such a document. Other memorials, detailing circumstances which had not before come under the notice of the Lord-lieutenant, were subsequently presented, which made him think it his duty to refer all the materials and documents to the consideration of the law advisers of the Crown. It appeared that, in the assault of which the prisoner Gahan was convicted, another party of the name of John Connors was implicated; and that that party had been tried for his offence at the previous assizes, before Judge Moore, and was found guilty. The opinion of the Attorney-general of that time, Sir Michael O'Loghlen, now Master of the Rolls, was given in these terms:

"London, May 24, 1836.

"My Lord,—I have read Chief Justice Doherty's report of the case of Joseph Gahan, and the several documents sent with it. It appears that the crime of which Joseph Gahan and James Bayley have been convicted was committed in the month of October, 1834, and that at the Spring assizes in 1835, John Connors was tried before Mr. Justice Moore for this offence, convicted, and sentenced to transportation. The constables of police, Gorman, Abby, Willis, and Prout, appear to have been examined on that trial in support of the prosecution. In the month of January, 1836, the prisoner James Bayley, being then amenable, the informations were laid before me with the other informations in cases to be tried at the then next sessions; and I, having observed that the informations had been briefed for trial at a previous assizes, wrote as follows on the back of the brief:—'It appears that some persons have been prosecuted for the assault. I wish to be informed of the result of the former trial before I direct a prosecution in this case.' I returned the brief to Mr. Kemmis, the Crown solicitor, with this indorsement on it, and in a few days it was sent back with the following memorandum from the Crown solicitor:—'John Connors was tried and convicted at Spring assizes, 1835, and sentenced to seven years' transportation. James Bayley traversed in person at last assizes. Shall the Crown prosecute?' Under this I wrote 'Yes.' It appears from the documents now sent, that John Connors had long before received a free pardon, with the concurrence of Mr. Justice Moore, whose report of his case shows that he did not consider the evidence of the constables satisfactory. I presume that Mr. Kemmis was not aware when he sent the informations, &c., to me in January, 1836, that Connors had been pardoned; I certainly was ignorant of that important fact: I would not have directed a prosecution on the testimony of the constables whose evidence was not considered by Mr. Justice Moore and by your Excellency satisfactory; the case, however, proceeded, and I am now to report to your Excellency that Bayley and Gahan have been convicted on the evidence of the police constables Gorman, Abby, Willis, and Prout, who were examined on the former trial, whose testimony was not considered to be satisfactory. Another constable deposed on the last trial that when he arrested the prisoner Bayley he said that his name was Kelly, and this appears to be the only additional evidence. If the case was to be considered merely with reference to these facts, I would be of opinion that the sentence pronounced on Bayley and Gahan ought not to be carried into execution; it would not be proper to transport them on the evidence of witnesses whose testimony on a former trial relating to the same transaction was not deemed satisfactory."

I regret being obliged to trouble the House with these details; but the document I am now reading shows that the accurate and judicious mind of my right hon. and learned Friend has thoroughly sifted these transactions; and he has evinced a diligence which I have never known paralleled, much less exceeded. My right hon. and learned Friend then went on to observe:—

"But there are, in my judgment, other reasons for refusing to carry the sentence into execution. I have referred to the informations sworn by the constables recently after the transaction, and to their examination by the Crown solicitor previous to the first trial, and have compared the statements then made by them with their evidence as reported by Chief Justice Doherty, and must say that I have come to the conclusion that their evidence cannot be relied on. On the trial before the Chief Justice, Gorman and Abby swore that Bayley took hold of the reins of the horse on which Gorman was riding, and that Gahan took hold of Gorman. They describe Gahan and Bayley as the principal actors in the transaction, and speak positively as to their identity. On referring to the information sworn by Abby in December, 1834, I find that he stated that the persons who attacked the police were unknown at the time of the attack; and he does not mention the names of Bayley or Gahan, though he does that of Connors. He had seen Bayley in the early part of the day; Gorman had also seen him; and though he (Gorman) swore an information on the 15th of December, 1834, he does not mention Bayley or Gahan, but on the contrary says that he was attacked 'by persons at present unknown to informant.' If Bayley had acted in the manner now represented—if he had been the leader of the party—if Gahan had caught hold of Gorman and held him, as they now allege he did, it is scarcely credible that Gorman and Abby would have been unable, in December, 1834, recently after the transaction, to depose to the facts which they now relate so positively. Again—Abby now says that Gahan leaped on Gorman's body: in his information he swears that Connors was the person who leaped on Gorman. There are many other very material discrepancies between the statements in the informations and examinations, and the evidence given on the last trial. I think that the counsel for the prosecution ought to have directed the attention of the Chief Justice to these discrepancies; and on the whole of the case I beg to submit to your Excellency that the convictions are not supported by the testimony of unobjectionable witnesses, and that, under all the circumstances, the prerogative of mercy should be exercised as it was in the case of the convict Connors."

If hon. Gentlemen deem that to be a case on which a charge can be substantiated against the Government I shall feel perfectly callous as to any thing they may hereafter say of me. But the Irish Government was content with one opinion on the subject. If the right hon. Gentleman who brought this charge against the Government had made an inquiry he might have ascertained that. The opinion of the Solicitor-general of that day was also obtained, and it concurred with that of his learned Colleague. The hon. and learned Gentleman said:—

"I have spoken to Mr. Kemmis upon the subject of the remission of the sentence passed on John Connors, and Mr. Kemmis assures me, that he did not know that the sentence passed on John Connors had been remitted at any time previous to the trial of Bayley and Johnson. With respect to the case of Bayley and Johnson, I presume that his Excellency, if he concurs in the opinion expressed in the report of the Attorney-general, will direct that the sentence of those persons should also be remitted. The Attorney-general appears to me to have investigated the matter very fully; and I can only say that, for myself, I fully coincide in the report which he has made."

These were the facts—the reasons for which the prerogative of mercy was exercised in that case, in which, according to the statement of the right hon. and learned Recorder for the city of Dublin, the prisoner had been liberated upon the letter of the Roman Catholic priest. I beg leave to ask by whom ought the head of the executive government in Ireland to be guided in such occurrences, if not by the law officers of the Crown. On receiving their opinion, the prisoner received the clemency of the Crown, without sending the case back to the learned Chief Justice who originally tried it; for this reason, that the reports of the learned Attorney and Solicitor-general were founded upon circumstances that had occurred connected with the preceding trial in which Chief Justice Doherty bore no part whatever. I should like to be informed of the quarter to which hon. Members opposite thought the executive government in Ireland should refer in cases of ambiguity, if not to the proper law officers of the Crown. This, then, is the result of the specimen of an aggravated case referred to by the right hon. and learned Recorder—that case which had been dwelt on with so much energy, after having been culled and collected with so much care. This is all that has been produced by the voluminous researches that have been made to enable the Gentlemen opposite to bring forward isolated or unexpected instances, running the risk that the Government may not have documents at hand to refute them; but they have been disappointed, and their disappointment is all the benefit they have obtained by the unfortunate letter of the priest. But it was upon such rash and untenable grounds, that the right hon. and learned Recorder, who had the means of making himself acquainted with the facts, had succeeded in eliciting the approbation of the cheerers of last night. And who was it that had brought that case forward? A gentleman filling an office of great legal importance, bound to administer the law in justice and mercy, and to respect in others the same principles of justice which he claims as actuating himself in pronouncing his own decisions. That learned Gentleman had officially more confidential communications with the Lord-lieutenant of Ireland than almost any other functionary in Ireland, and he might have known, from his constant experience, how inconvenient it was, to make public use of official documents, and how vain it would ultimately be to attempt to rest a case against the Government of Ireland founded upon such preposterous selections. It was not from fear of any publicity—from fear of an inquiry into any of the acts of his administration, that the Marquess of Normanby declined to have all the cases investigated; but, because he does not choose to have confidential proceedings ransacked before a hostile and embittered tribunal. After such gigantic misrepresentations as those which I have exposed, such unblushing mis-statements of the grounds on which my noble Friend, the Lord-lieutenant, proceeded in the execution of his duty, I think it will be unnecessary for me to allude to minor points, more particularly as they have been so ably and indisputably disposed of by my learned Friend, the Solicitor-general for Ireland, in his lucid and masterly exposition last night. I will here, however, refer to a statement made by the right hon. and learned Recorder, that there had been no junior counsel put over Mr. Perrin's head. I believe, that many lawyers who were his juniors, got their gowns before him. Of course my knowledge does not enable me to speak with accuracy, as personally acquainted with the facts, but I have been told by legal friends, that Chief Justice Doherty was placed over Mr. Perrin—that Mr. Warren was called to the bar subsequently, and received his silk gown before him; that Mr. Crampton received his silk gown before him, and that Mr. North also received his silk gown before him—all of whom were called to the bar subsequently to Mr. Perrin. I do not know whether it be requisite to allude to a charge made during the speech of the hon. Member for the county of Monaghan against a stipendiary magistrate, for an assault which he was said to have committed in the discharge of his duty, while endeavouring to keep the peace; but I will mention the result of the trial, which was, that the jury found the damages at one farthing and the cost sixpence. The conduct of Captain Duff, I am sure, will stand the test of any scrutiny or examination of details. He possessed the confidence of the Government, not only of Lord Normanby, but of the Governments which preceded that of his noble Friend. Captain Duff received his appointment from the Duke of Northumberland's Government. But before I proceed further, I cannot, in justice to Captain Duff, refrain from reading a letter written by one whose opinions, I am sure, the House will treat with deference. The letter is dated in the year 1834, the year 'preceding Lord Normanby's Government, and is from my lamented friend, the late Earl of Caledon:—

> "Caledon, Feb. 10, 1836.
>
> "Dear Sir,—I have just received your letter, and congratulate you on your promotion.
>
> "During your residence in the county of Tyrone, you have been frequently required to make unusual exertions, and it is within my own observation, that on several occasions you conducted yourself with firmness, ability, and sound discretion.
>
> "It is to these and other good qualities you are no doubt indebted for your advancement, and I should much regret your removal from this county were it not for the benefit it is of to yourself.
>
> "Your faithful and obedient servant,
> "To Captain Duff. "CALEDON."

I could read many other letters all to the same effect; but it is unnecessary, as there is no officer, as is well known, more anxious in the discharge of his duties, or whose services are more highly appreciated. I do not wish to enter upon details of that description. I would rather deal with general principles and broad results. And I beg the House will remember, that in discussing this question, neither on the present or former debate, have I ever attempted to dissemble, that there is a deplorable mass of crime in certain districts in Ireland, such as was alluded to by the hon. Member for Belfast. That crime is more prevalent in the south than in the north—than in the counties of Londonderry, Fermanagh, and Down—more prevalent generally in the South than in the county of Waterford I admit. There has been much said about this march of crime in certain districts, but I believe, that it is not greater than might be expected in counties of such extent and population. This opinion is corroborated by Mr. Justice Burton, in his charge at the Lent assizes for the county of Armagh, in 1839, where that Judge, whose high character is acknowledged by all parties, observed, that the offences were merely such "as might be expected in a county of such extent and population;" there were, however, fifty-one custody cases to be disposed of. It is very probable, that the number of prosecutions is increased by the alterations which have taken place in the criminal code, which, by lessening the amount of punishment, may have had the effect of inducing persons to come forward and prosecute now, which they might, heretofore, have been deterred from doing, owing to the severity of punishment. A great deal has been said of the enormous number of annual trials and convictions in Ireland, for crime. It is said, the returns for that country show offences to the number of 25,000 or even 27,000 a-year. Supposing that to be the case, and without wishing to institute any comparison of the state of crime between the two countries, it may not be incorrect to read an extract from the report of the Commissioners relative to the appointment of a constabulary force in England and Wales. I am not about to refer to that report at present for the purpose of supporting its recommendations, but merely as containing statistical data of the most recent and authentic nature, and in that report I find the following paragraph:—

> "From the returns made of the number of criminal offenders committed for trial, or bailed for appearance, at the assizes and sessions in each county, it appears, that during the year 1837 above 20,000 were tried for offences committed to obtain money, chiefly by larceny, or in modes which import habitual depredation. About 15,000 were convicted; the remainder escaped. The number of criminal commitments to our gaols may be stated, in round numbers, as 100,000 annually, and the number of prisoners varying from 12,000 to 20,000; but as there are no means of distinguishing the persons re-committed during the same year, we have no means of ascertaining the criminal population of the gaols with accuracy."

I will not attempt to dissemble that there exists in certain districts of Ireland illegal societies and combinations; but they are not of a political nature, nor do they derive their origin from that source. The greater part of these combinations and of all the outrages that have of late been committed in Ireland, have arisen out of circumstances connected with the tenure of land, and with other circumstances too radically established in the feelings of society to admit of a speedy cure. All that the Government had to do, was to exercise with prudence and firmness the powers confided to them by the law, and to use all the means which they possessed of doing so, by the aid of the admirable police force now organised in Ireland; and all that, the Government, I contend, has done most efficiently; the Government entertained the greatest confidence both in the officers and men employed in the police force; and made it their study to promote every man for bravery or for any good conduct, which had been tested in trying circumstances; and they have taken care to place those stipendiary magistrates in exposed situations in whose judgment they could most firmly rely. I have now, I think, succeeded in shewing, that the attacks made upon the executive in Ireland by the right hon. and learned Recorder are not well founded. When I last addressed the House I endeavoured to shew, and I thought successfully, as did also my learned Friend, the Solicitor-general, in his lucid and conclusive speech last evening, that as regards minor crimes committed in Ireland, it appears, as reported by the constabulary, that in none has there been an increase; that in a great many there has been a sensible diminution; that in the number of committals there has been a great increase, noting thereby the increased activity and efficiency of the magistracy and police; and that with that increase in the number of committals, there has been a proportionate increase in the number of convictions. I will not trouble the House with details, but I hold in my hand a short summary of cases from spring, 1836, to 1839, distinguishing those where the parties were convicted from those in which they were acquitted, which I will read to the House. The noble Lord read the following Return of the Number of Cases prosecuted by the Crown at each Assizes from Spring 1836 to Spring 1839, inclusive; distinguishing those in which Verdicts of Guilty or Not Guilty were returned.

Assizes.	Years.	Number of Cases in which the Parties were found Guilty.	Number of Cases in which the Parties were found Not Guilty.
Spring .	1836	346	225
Summer	....	270	161
Spring .	1837	518	323
Summer	....	291	188
Spring .	1838	485	321
Summer	....	295	181
Spring .	1839	539	286

There was thus a rise from 225 acquitted and 346 convicted in 1836, to 286 acquitted and 539 convicted in 1839, showing a very large increase in the number of convictions, and thus showing the effectual administration of the law. Allusion has already been made, in the course of the debate, to the diminution in the army, which the present tranquillity of Ireland has enabled the Government to effect, and I trust, that the country will continue in that state of comparative quiet to which the new Poor-law and the Poor-law guardians will be found, I have no doubt, very valuable auxiliaries. That law will be carried into effect under most auspicious circumstances. I have received a letter, which I hold in my hand, from the resident Poor-law commissioner, who, after giving a list of the boards of guardians, states, that he is happy to be able to say, that in point of intelligence and public spirit they are, he thinks, fully on a level with the English boards. The writer mentions two or three instances in which some party feeling was manifested, but in which the returns were, he believed, unexceptionable, and in consequence of which he had no reason to suspect that the boards would not work well. He adds, that the result on the whole has exceeded his expectations. Allusion has been made by the hon. Member for Waterford to the increase which has lately taken place in the value of land in Ireland; and if the House want to test the truth of the statement of the House of Lords, that life and property have of late years been rendered insecure in that part of the kingdom, they can not, perhaps, more surely or fairly do so than by a reference to the price of land and to the value of securities connected with the soil of Ireland. I accordingly desired letters to be addressed to some of the leading land agents in Ireland, without any distinction as to politics, who, I thought, would furnish me with impartial information on the subject, some of the answers to which I will read to the House. The noble Lord read the following letters:—

"Galway, and Gloucester-street, Dublin,
April 13, 1839.

"We have been favoured with your note, and, in reply, beg to inform you, that fifteen years ago, and from thence until within the last five years, land in this county and neighbourhood has been invariably valued at twenty years' purchase. Since the latter period, and up to the present time, land has been progressively advancing in value; and on an average now rates as high as twenty-five years' purchase—in some instances twenty-seven years' purchase has been obtained.—We have the honour to be your most obedient servants,

"J. and J. Blakeney."

"Mr. Drew Atkin has been for the last fifteen years actively and professionally engaged in the purchase and sale of lands, within which period he has superintended sales of land in value about 20,000*l.*, and purchases of land in value about 200,000*l.* in the counties of Cork, Limerick, and Tipperary, and he has much pleasure in communicating the result of the information so acquired to Mr. Drummond. Mr. D. Atkin assumes the inquiry relates to fee-simple land, or an estate equal to a fee. Lands fifteen years ago usually sold for 16⅔ to 18 years' purchase. Ten years ago from 18 to 20 years' purchase. Five years ago 20 years' purchase may be considered the standard value. At the present time 22 to 23½ years' purchase is required, and 21 to 22 years' purchase is freely given. Mr. Drew Atkin takes permission to add, that the recent and almost sudden advance in the value of land is attributed to the tranquillity produced by the late enactments in respect of tithes (although not considered a final measure), and the development had of the probable working of the poor-laws in this country.—30, South-mall, Cork, April 13, 1839."

The next I shall read is from Mr. M'Carsland:—

"I have, however, no hesitation in stating that for the last fifteen years, the value of estates in Ireland has gradually and considerably risen, in some counties much more than others, but generally there has been a gradual increase in the value of landed estates all over Ireland. In the counties of Dublin, Armagh, Louth, Down, Antrim, Carlow, Wicklow, Wexford, Fermanagh, and some parts of Tyrone, Derry, Monaghan, Longford, and Cavan, the value of estates has increased from three to four years' purchase within the period of the last fifteen years. I think the chief increase has been within the last ten years, and in some of the counties within the last five years. I would state, generally, that about three-fourths of the increased value may be spread over the last ten years, and of the latter period one-fourth of this increase may be allotted to the last five years in several of the counties. In some counties, such as Down, Louth, Armagh, and Antrim, estates have been for more than twenty years in great demand. I think that this ratio of increase as to the periods stated may also bear upon the several other parts of Ireland hereafter alluded to. As far as I am able to give you an estimate of the present value of estates in the several counties of Ireland, I may generally state that well-circumstanced estates in the counties mentioned by me as the most valuable, and especially in the counties of Armagh, Down, Antrim, Louth, and Fermanagh, would bring from twenty-eight to thirty years purchase. In the county of Down good estates readily bring thirty-two or thirty-three years' purchase, which is equal to an average value of fee-simple property in the best parts of England. The value of estates in the county of Wexford has increased within the last five years fully three years' purchase, and estates have been lately sold from twenty-five to twenty-eight years' purchase; property in this county has of late been in considerable demand. In other parts, the counties referred to, where the increase has been from 1½ to 2½ years' purchase, I consider the present value of estates to be from twenty-two to twenty-five years' purchase. And as to the remaining counties, I think the value of estates may be taken generally as from twenty to twenty-two years' purchase. I beg it to be understood that these values refer to estates let at moderate rents, and not overcrowded with tenants."

I will now read a communication from Messrs. Stewarts and Kincaid:—

"Our experience would lead us to say that the value of land in Ireland is increasing; that is, lands to be let either in large or small divisions to occupying tenants, will bring higher rents now than they would have brought a few years ago, and this, perhaps, more from the increase of population, and from improvements in agriculture, than from the present high prices of agricultural produce. But we do not think that there is any material change in the rates of purchase at which landed property would sell within the several periods referred to. The rates of purchase of landed property in this country varies according to circumstances and to locality, from eighteen to twenty-eight years' purchase for fee-simple estates, the rates being much higher in the north than in any other part of Ireland, and we believe that persons making permanent investments of money in landed property are much less influenced by the temporary changes in the condition of particular districts of the country, or by the public measures of the different political parties in the state, than is generally supposed.

"STEWARTS and KINCAID, Leinster-street."

Again, as to shares in public companies, the following testimony was afforded by Mr. Dennehey, of Westmoreland-street, Dublin:—

"From these lists (for the accuracy of which I pledge myself) it will be found that the shares of the Mining Company of Ireland, which were selling at a discount of 63*l*. per annum on his (Lord Normanby's) arrival, were at a premium of 93*l*. per cent. per annum on his departure; and that during the same period Patriotic Insurance shares had advanced 16¼ per cent., National Insurance shares 13 per cent., City of Dublin Steam Company's shares 16¼ per. cent., and Hibernian Bank Stock 11½ per cent. on the paid up capital; while Grand Canal Stock has advanced 4*l*. 12*s*. 6*d*. per share, 4 per cent. Canal Debentures 3*l*. 15*s*. per share, and Six per cent. Canal Debentures, 1*l*. 5*s*. per share.

"I have also to observe that the number of depositors and the amount of deposits in the savings' banks throughout the country, have greatly increased during the same period. In Meath-street Savings' Bank alone the depositors have very nearly increased fully one-third; while the deposits are in a still higher ratio, as will be seen by reference at the bottom of the abstract, taken from the published reports of that institution.

"CHARLES DENNEHEY, Dublin."

I have but very little further to say. The hon. Member for the county of Donegal last night was pleased to ask to what body of men in Ireland the present adminstration wish to appeal for a corroboration of the alleged success of its government of that country? Whether to the bar or to the bench, or to the magistrates, or to the gentlemen of landed property? I am content, in the name of the Government, to appeal to that body which was excluded by that hon. Gentleman; but which includes all the rest—to the people. And if the confidence and good will of the governed are allowed to form an element at all in the computation of successful government, I will just beg leave to ask on which side are they? Are the bulk of the people of Ireland on the side of Ministers or on the side of the opponents of Ministers? And I will ask, further, was it only the numbers—is it only the least educated, the least opulent classes which are ranged on the side of Government? I need only point to the great meeting at Dublin to refute such an imputation, if any one should venture to make it. It is not only the Roman Catholics who view in Government the determined followers of that banner which has been called a mere party banner, but which is the banner of justice, of equal laws, of real as well as nominal equality. If we have the bulk of the people with us, are we without leaders from the ranks of the aristocracy? If we enjoy the suffrages of the south, have we no adherents in the north? Are not Protestants as well as Catholics with us? The proud name of Geraldine lends us its sanction, and with us is linked all the patriotic associations connected with the name of Charlemont. If the question regarding the Irish policy of the Government be left to Irish voices and Irish hearts, our cause is already won. I need not refer to the mass of petitions upon the table to prove it. Our appeal to-night lies to the Members of the sister countries, to the representatives of enlightened Scotland and imperial England. To them we make our appeal—them we ask not to turn a deaf ear to the call of the Irish people, whose confidence you are pleased to think is misplaced, but which, you must remember, is kindled by a national warmth of feeling, and sharpened by the national memory of wrong. I shall, of course, abstain upon this occasion from entering upon any question of general policy. Ireland is not only the battle field upon which during the career of the present Administration almost all the chief conflicts, both of party and opinion, have been fought, but is now singled out as the point upon which it is sought to damage our reputation and fix a stigma upon our Government. Whatever be the aim or object of the recent demonstration on the part of the House of Lords—whether it be according to the turn which it now seems it is more convenient to give it, and which is described in the lines already applied by the hon. Member for Belfast—

Willing to wound, and yet afraid to strike,
Just hint a fault, and hesitate dislike;

or whether it be according to what I suspect to be the more accurate conception of the matter, only an attempt to supersede us in the due conduct and control of the executive government of Ireland, and to substitute another system utterly at variance with it; but whether it be this as I say, or the other, as said by the hon. Member, at all events we are now determined to have this point cleared up. We will not accept your commentaries, nor your gloss, nor your palliations. We will leave no room for ambiguity: we have had enough of partial attacks and isolated charges; of innuendoes and abuse; of motions for papers here, and for committees there; we now come for a direct, an unequivocal opinion at your hands. We will take no low ground; we will exist no longer on sufferance. We tell you that we will not put up with passive acquiescence, or bear endurance. We will not be even contented with acquittal. My noble Friend asks you this night for a direct, downright vote of approbation. In the name of the Irish government and of the whole Government, as implicated in its Irish policy, I assert fearlessly that we have deserved well of our country. This is a conviction which no taunts of yours can lessen the force of, and upon this issue I call you, the representatives of the empire, to come this night to the vote.

Sir *James Graham* said, that the noble Lord who had just sat down had expressed his opinion, that the House ought to come to the vote on the present occasion with reference to the conduct of the Administration; and in that wish he begged most heartily to join. He trusted that the House would pardon him for having risen, though not an Irishman nor a Representative of Ireland, before the motion now under consideration was brought to the vote, notwithstanding the lateness of the hour, and he hoped that he might venture to address to them a few words on the question now before the Chair. He could not presume to follow the noble Lord (Lord Morpeth) through all the details respecting the present state of Ireland into which he had very properly entered, and which were immediately connected with the office which the noble Lord held, he would merely refer to that part of his speech in which the noble Lord had said, that the motion which had been brought forward, and for which they were this evening called upon to vote, was considered by him, and was thus to be considered by every Member of the House, as a direct vote of approbation. The noble Lord had told them that he and the other Members of the Government with whom he was associated would no longer consent to exist by sufferance. In answering the speech of the hon. Member for London (Mr. Grote), and in alluding to the motion of the hon. Member for Finsbury (Mr. Duncombe), the noble Lord had stated that they no longer were willing to exist by their endurance—no longer to rest contented with a passive acquiescence, but were determined to offer at once to this House the opportunity of expressing its opinion on the policy pursued by them towards Ireland, and on the result which was to be deduced from the present state of affairs in that country. During the long and very protracted debate which had taken place on the present question, he had listened with deep anxiety to the various speeches which had been delivered, and especially to those which had been addressed either by Ministers or their supporters, and he had done this for the purpose of discovering the reasons and ascertaining the motives of the noble Lord in the course which he had pursued on the present subject—a course entirely unprecedented, unless the noble Lord still continued to rely on the single precedent which he himself had endeavoured to draw from the case of the Scotch quarrels—a precedent which he did not think the noble Lord would ever forget, from the manner in which it was answered by his right hon. Friend. Finding, then, that it was unprecedented, he certainly must say, that up to the present moment, he continued in doubt as to the real motive in bringing forward such a motion. He suspected, however, that it was to pick a quarrel with the House of Lords, at a moment which was most convenient, and when the noble Lord thought, on the whole, that it was desirable to steal a vote of approbation from a bare majority of that House on the only point he could venture to suggest for the purpose of propping and bolstering up a weak and tottering Administration. If the noble Lord really believed, that the effect of the vote to-night would be to prop up the Administration, he could understand the proceeding; the motive would justify the unexampled effort. But having heard the speech of the hon. Member for the City of London—having heard the declaration made from various quarters on the opposite side of the House by some of the most powerful supporters of Ministers on the present evening—having heard also the declaration of the noble Lord, which he had heard with sincere pleasure—that in a matter of primary importance affecting the representation of the people, it was his resolution not to depart from the ground he took up when he introduced the Reform Bill under the Government of Lord Grey; and having also heard that such declaration had not satisfied, if not seriously offended, many of the warmest upholders of the Government, he would state, and he did so with a conviction of its truth and a certainty of its being speedily realized, that the days of the Administration were numbered—and that its fall would take place—not from the attacks of its enemies—not from the hostile efforts of that side of the House—but from a fair division and difference of opinion among those who were formerly allied, and who formerly entertained similar opinions. If, however, the motive which had induced the bringing forward the present motion was, not to save the Administration from the evils which surrounded it, and from the dangers with which it was encompassed, at any rate the quarrel with the House of Lords was most dangerous. But if such were the motive, it would not answer the purpose for which it was intended. It could not save the Administration—it was a cordial to the dying man—it might for a moment diminish his sufferings—it might protract his life, but it could not save his existence. He had the greatest difficulty in arguing this question—not from the badness of his cause—but because the speech which had been made by his right hon. Friend, the Member for Tamworth, in introducing his amendment to the resolution, had placed the subject in every point of view—had illustrated every position—had exhausted every topic—and, after the efforts of three nights, still remained unanswered. The noble Lord had argued the question on two points—as to the necessity of the motion, and also on its propriety. He would join issue with him on both. He would contend, that the motion which, on searching the Journals of the House of Lords, he had found had been carried by their Lordships on the 21st of March, appointing a Select Committee "to inquire into the state of Ireland since the year 1835, in respect to crime and outrage, which have rendered life and property insecure in that part of the empire," did not, by a fair construction, contain a censure on her Majesty's Government. It certainly stated, that the result of the present condition of Ireland was, that life and property were insecure, but it did not say, that that state of insecurity could be traced to her Majesty's Government. There had been great aggravations—there might be sound reasons and satisfactory causes for the present disorganization of Ireland, without any reference to Ministers; but, amidst all the conflicts of adverse and contradictory statements, it must, in his opinion, be admitted that they had now arrived at that point where inquiry was absolutely necessary. Ministers contended, that the period fixed for the investigation of the committee, only commencing from 1835, implied a censure on Lord Normanby and upon his policy exclusively; but there was a case in point last year, referred to by his right hon. Friend, and to which no answer had yet been given. A motion was then made for a committee of inquiry on the choice of sheriffs, which, as originally framed, was considered as a direct attack on Lord Normanby's administration, the period since 1835 being at first fixed on as in the present instance; her Majesty's Ministers felt that, by implication, it conveyed censure; they accordingly moved the omission of the words restricting the reference to the period of Lord Normanby's administration, and without any difficulty they were omitted. Why was not such a motion made on this occasion? The noble Lord said, it was not consistent with the dignity of the Government, from the character of the speeches with which the motion was introduced, that any such amendment should be moved. Had Ministers, then, been always so chary of an adverse majority in the House of Lords? Had they forgotten the conduct of Government on the Indemnity Bill of last year? Were they to rely on the statement of the First Minister of the Crown, that he considered this motion as implying censure? What was the conduct of Lord Melbourne on the introduction in the House of Lords of the Canada Indemnity Bill? He believed he did not misstate his words. On the 9th of August Lord Melbourne declared, that the disallowance of the ordinances would be destructive of the moral effect of the Government, and he could not either in his conscience or from a regard to the interests and welfare of the empire consent to become a party to it. The noble Lord then went to a division, and was defeated. What was his conduct afterwards? On the very next day the Government took up the Bill which Lord Melbourne had repudiated in those terms. They assented to that adverse majority; the Government adopted the Bill as a measure of their own, the second reading was moved by the Secretary of State for the Home Department in that House; all the finer feelings of which so much was said with respect to Lord Durham were forgotten, and the adverse vote of the House of Lords treated as of no effect. The noble Lord said, that this particular inquiry would be found inconvenient, extremely inconvenient to Ministers. The noble Lord adopted an expression which had been used by the hon. Member for Donegal in the heat of debate, and complained that Ministers were treated like culprits in the dock. Supposing them placed in that situation, the Opposition asked them how they would be tried? and their only answer was, they begged to decline being tried at all. The noble Lord said, it was sometimes useful to nail down the accuser to names and facts; he thought he might be allowed to add, that it might sometimes be advantageous to bring the accused to an inquiry. The noble Lord, who spoke in high constitutional terms, and talked with his mouth full of big words, of "gigantic misrepresentations," asked if Gentlemen on that (the Opposition) side of the House really believed a tithe of what they did not hesitate to express; he told the noble Lord they did believe a very large portion of the accusations brought forward against the Irish Government. But he said, amidst a vast variety of contrary statements, charges, and recrimination, matters had arrived at that point where inquiry was indispensable. That inquiry had been instituted by a competent tribunal, an independent branch of the Legislature, and, with his right hon. Friend, in the present state of matters, he denied the constitutional right and political expediency of the House of Commons interfering to intercept that inquiry. What was the object of Ministers in making this motion? Was it their object to intercept the inquiry or was it not? If they did not seek to intercept it, the motion was gratuitous; but if they meant to intercept it, then he maintained they could only effect their purpose by endeavouring to intimidate the House of Lords by a vote of the Commons, by endeavouring to overawe them in the legitimate exercise of their proper functions. In passing he would refer to what the noble Lord had also adverted to, following up the statement of the learned Solicitor-general for Ireland last night, reflecting on the conduct of his right hon. Friend, when Home Secretary of State, with regard to his distribution of legal patronage. He, of course, was not conversant with the facts of the retarded promotion of Mr. Sergeant Perrin; he had the advantage of sitting in the House of Commons with that hon. and learned Gentleman, and in common with every Member admired his talents and general character. But the noble Lord mentioned several names—Mr. Justice Doherty and Mr. North as having received promotion before Mr. Justice Perrin. He had not time to ascertain the facts; but it did occur to him that these gentlemen were friends of the late Mr. Canning; and he also happened to recollect that another friend of Mr. Canning, he meant the present Lord Melbourne, was at that time Secretary for Ireland; and if the Solicitor-general would make some inquiry of that noble Viscount, under whose administration he was now serving, perhaps he might succeed in acquiring some information why Mr. Doherty and Mr. North were preferred to Mr. Sergeant Perrin. At all events, in those days the high-road to promotion was the faithful discharge, in the face of the bar, of all the functions belonging to distinguished counsel, a short cut to promotion had not then been discovered; the secret passage from the Corn-Exchange to the Castle had not been made patent; it was not at that time a recommendation of any learned Gentleman that he was a distinguished agitator, or the founder and principal member of a National Association. But the hon. and learned Solicitor-general for Ireland, in his ignorance of Scotch affairs, also alluded to Scotland, and charged his right hon. Friend with partiality in the distribution of dignities there. In the first place, he might inform the hon. and learned Gentleman that silk gowns were unknown in Scotland. No such branch of distinction or promotion existed. The legitimate objects of ambition there were the judicial offices; "and," continued the right hon. Baronet, "I could not help thinking when you Mr. Speaker, heard that accusation brought against my right hon. Friend, for having been actuated by political preferences in the choice of Scotch judges, nothing but the restraints of the House could have checked your indignant desire to inform the hon. and learned Gentleman that when the situation of Lord Chief Baron of Scotland was vacant, my right hon. Friend chose from the ranks of his political opponents in this House a learned and distinguished Scotchman, eminent for his abilities, but certainly known as a warm, consistent, and honest Whig partisan: and I think you also could have told him that the names of Lord Corehouse, Lord Eldin, and Lord Moncrieff will hand down to late posterity the strict, the honourable impartiality of Sir Robert Peel in selecting judges from the Scottish bar." He would next refer in passing to some of the expressions which were used the other night by his right hon. Friend the Chancellor of the Exchequer. The noble Lord said nothing would satisfy her Majesty's Ministers but a direct, a plain, and intelligible adoption of their policy on this occasion. His right hon. Friend (Sir R. Peel), in alluding to this point, described the resolution of the noble Lord as the most vague and indefinite in regard to time, and most inexplicable with respect to any definition of principles, of any proposition that had ever been submitted to Parliament. Pressing the Government, he asked what they meant by "of late years"? Did they mean to include the government of Lord Grey in their terms of praise? Did they include the policy of Lord Anglesey and the Marquess Wellesley? And then what were the principles on which their policy was to be adopted? The right hon. Gentleman (Mr. Rice) said, oh, it was vastly well to find fault in this way. He did not say it was the most ingenuous course; he did not say it was the most direct course; he did not say it was the most conducive to the safety, the character, or honour of the Government; but he always preferred the course which was least convenient to his opponents. Were they then to understand that this was really the principle—not with a view to the national interests—not with a view to constitutional principles—not even with a view to the Ministers' own honour, but simply with a reference to expediency, and what might be most embarrassing to their opponents—was this really the principle on which the Government was to be carried on? Was it really to be believed that, in the present state of affairs, they were called on to rush into a collision with the House of Lords, not on public grounds, but simply with a view to embarrass the political opponents of the present Administration? The Chancellor of the Exchequer had quoted a passage from an old pamphlet of Mr. Croker, in which he talked of brandishing Ireland against the Minister in opposition. He admitted it; he learned the lessons of opposition side by side with the right hon. Gentleman. He saw that weapon, that pointed weapon, gleaming in the hands of Grattan, of Plunkett, of Canning, of Brougham; and, side by side, he engaged in asserting, honestly and sincerely, the just claims of their Catholic fellow-subjects: but he did it honestly and sincerely, and he wished to know where the right hon. Gentleman had picked up the phrase he used when he spoke of it as a hypocritical pretence. It did not apply to the struggle for Catholic Emancipation, though fought on Irish grounds in the dark regions of Opposition under Lord Grey and Mr. Tierney, who were content to remain excluded from office, preferring the maintenance of their honest opinions to all the allurements of salary, the blandishments of power, and the smiles of the court. His right hon. Friend (the Chancellor of the Exchequer) was not justified in his suspicion of hypocritical pretence in that respect, and that phrase his right hon. Friend must have picked up since he was associated with him. He could well understand, that he might have formed that suspicion of the "compact alliance" of Lichfield-house. That suspicion applied to some opposition motion which might there have been concocted; and it was just possible it might have a reference to the appropriation by which his right hon. Friend (Sir R. Peel) had been driven from office. He now wished very shortly to state his reasons for combating the second proposition of the noble Lord—namely, that the terms of the motion were proper and necessary. He could conceive nothing more interesting than an inquiry into the state of Ireland. As a great moral lesson it demanded earnest and immediate inquiry. He wished to know why it was, that in Ireland, among a people most kind, most generous, most warm-hearted, brave beyond example, compassionate, charitable —so charitable as to be willing at all times to share the humble meal, the scanty pittance, the broken potatoe, with any beggar that came to the cabin-door — he wished to know how it was that murder and assassination should prevail in such a country, accompanied by circumstances of cruelty, premeditation, and atrocity, at the extent of which human nature shuddered, and from which national honour and pride turned aside with shame. He thought, that as a great moral inquiry, the investigation should be taken up. But, besides its moral aspect, there was a great political and statistical inquiry which was well worthy the attention of the Legislature. He wanted to know how it was, that in Ireland a dense population, subsisting principally by spade husbandry, and occupying small portions of land, should be considered the curse of the country and the certain source of poverty and destitution; while in Belgium, a country the soil of which was not more fertile, and the climate not more genial, a population more dense relying equally on spade husbandry, and occupying still smaller patches of land, were in the full enjoyment of peace, abundance, prosperity, and contentment, to a degree delightful to every passing beholder. These were grave subjects well worthy inquiry, and if inquiry were to be instituted, what tribunal could be conceived more competent to deal with the subject than a Committee of the House of Lords? There were upon that Committee some of the greatest landed proprietors of Ireland—the Duke of Leinster, the Marquess of Lansdowne, Lord Plunkett, and, if eminence in political and statistical knowledge were desired, Lord Brougham. He wished to know where those pressing and important questions could be better investigated than before that tribunal. These questions were intimately connected with the condition of the country and its criminal statistics. The extent of crime not only required investigation, but that the causes which lead to such fatal results deserved the strictest scrutiny. To prove this fact, he would read to them a statement made by Lord Normanby in his place in the House of Lords on the 27th of November, 1837:—

> "There has always been in Ireland a combination connected with competition as to the tenure of land; but that any combination which may exist at present has the least connection with a political object, I utterly deny."*

Now, contrast that statement with an opinion of Lord Wellesley, his predecessor as Lord-lieutenant. He says:—

> "These disturbances have been in every instance excited and inflamed by the agitation of the continued projects for the abolition of tithes and the destruction of the Union with Great Britain. I cannot employ words of sufficient strength to express my solicitude, that her Majesty's Government should fix the deepest attention on the intimate connection, marked by the strongest characters, in all these transactions between the system of agitation and its inevitable consequence, the system of combination, leading to violence and outrage. They are inseparably cause and effect. Nor can I, after the most attentive consideration of the dreadful scenes passing under my view, by any effort of my understanding, separate one from the other in that unbroken chain of indissoluble connection."

Thus it appeared that while Lord Normanby positively denied that crime and outrage in Ireland had any connexion whatever with secret combination, or any political object, Lord Wellesley had positively averred that political combination and prædial outrage were as inseparable as cause and effect. Was not this, then, he asked, a fit subject for inquiry, and one which a Committee of the House of Lords was most competent to investigate? Lord Normanby was a Member of that Committee, and might attend its meetings, and support his own views and opinions by examination. Did he understand the noble Lord opposite to say, that Lord Normanby declined to act on the committee. — [Lord *J. Russell.* — Yes.] The investigation might continue, he conceived, even if Lord Normanby thought fit to withdraw. It might be carried on with equal effect in his absence; it was not to be supposed that the House of Lords would decline to prosecute the inquiry merely on account of any pique, or a refusal on Lord Normanby's part to attend. What was the admission of Lord Normanby himself as to the extent of prædial agitation? That noble Lord said, "A man happens to be murdered, as a part of that dreadful system of combination which exists in Ireland with respect to the tenure of land. If he be a Catholic, who is ejected, and a Protestant happen to come into the holding, he is murdered on that account; not because he is a Protestant, which is merely a coincidence." If it were true that religion had nothing to do with these crimes, Lord Normanby's statement was simply this, that entry or occupation of the premises was the cause of murder; and would it be said that this was a state of things into which Parliament should not be ready to inquire? He admitted, that in the sight of God and man the murder of a peasant was as atrocious a crime as that of the greatest nobleman; but still there were certain circumstances, which fixed at the moment particular attention on a melancholy occurrence of the latter crime. He agreed in the abstract justice of the proposition, that property had its duties as well as its rights—a maxim, however, which it might not be at all times expedient to bring prominently forward; but the murder of Lord Norbury was a dreadful proof that the most faithful discharge of these duties, the utmost kindness to his tenantry, constant residence, general charity, combined with hospitality, could furnish in that unhappy country no security whatever against the malignity of secret combination and the knife of the assassin in the face of day. Was it possible, that the House of Peers, seeing a case of such atrocity, in which one of their own body was the victim, could hesitate for a moment to institute an inquiry into the condition of a country in which such an event could occur. He would pass now to the question so largely discussed, as to the exercise of the prerogative of mercy by Lord Normanby. He thought, the most striking part of the speech of the right. hon. Gentleman, the Recorder of Dublin, was that in which he accused Lord Normanby of discharging, in one day, twenty-five prisoners convicted of various offences, some of them Catholics, on view and by oral order merely. The fact also was admitted, that a great portion of these men were ordered to be released on finding bail for their good conduct, and were finally released without that bail. Of the case of Brennan an explanation had been attempted, but the noble Lord opposite must admit, that there was a discrepancy between his explanation and the facts, which left the case still in doubt. The right hon. Gentleman, the Recorder of Dublin, had stated the circumstances positively; the noble Lord was not prepared to reply, and this was exactly one of the cases respecting which it was right to institute the most searching inquiry. As to the indiscreet exercise of the prerogative of mercy, the noble Lord had stated, that whatever might have been the case formerly, Government was wiser now, and that the objectionable practices were discontinued. Was that really the case? He would not, at that late hour, go into long details, but he had been very much struck by the statement of his hon. Friend, the Member for Belfast on a former evening, with regard to a case that occurred in that city so recently as October last, to which no answer had yet been returned. He (Sir J. Graham) would assert, that this single case of itself constituted sufficient ground for inquiry, and so long as it remained uninvestigated, there was not a chance of real justice being meted out to that country in which so loud an outcry about justice was raised. In October last, a prisoner was tried at the quarter sessions for an outrage on a respectable Protestant, named Barnett. A Roman Catholic, named Gubben, in consequence of a political quarrel with a Protestant, pursued him, followed by a mob, into the house of Barnett, in which he had taken refuge. Gubben and his followers insisted on his being given up to them, as they were determined to beat him for being an Orangeman. This Barnett refused, when they commenced an outrageous assault upon his house, which they nearly demolished, destroying and plundering almost every article it contained. For this offence, Gubben was tried at the quarter sessions in October last, and Mr. Fogarty, who was then the assistant barrister for the county of Antrim, after hearing the case, sentenced him to six months' confinement, expressing, at the same time, his regret, from the atrocious circumstances of the crime, that he could not legally sentence him to transportation. He was committed to the Borough gaol on the 27th of October. A memorial was immediately got up by his friends, and within three weeks—namely, on the 15th November—an order arrived from Lord Normanby for his unconditional discharge. The next day Gubben, with a party of his associates, went to Barnett's house. His father went in, and invited Barnett out to see his son, at the same time tauntingly remarking, that he and his friends had yet some interest in the town. He would not go into the details of all the cases that had been brought before the House, but he would state his conviction that, as the matter now stood, Lord Normanby had frequently listened to private solicitation with respect to the exercise of the prerogative of mercy. Sometimes, on his own admission, Dr. Vignolles, his chaplain, interceded, sometimes a Roman Catholic priest, and sometimes a country gentleman. The case of Brennan had not been met, and what was that but one of direct interference by a priest. He was not conversant with the rules which regulated the grant of pardon to persons convicted, but, as far as he could understand the statement made, the case had come before two judges, both of whom had heard the evidence, and came alike to the same conclusion, that the prisoner was guilty. After the sentence, application for a remission was made to the Lord-lieutenant, who consulted the judges. Although they, on deliberation, saw no reason to recede from their opinion, the case was submitted to the law officers of the Crown. He must say, that this appeared to him to be a very extraordinary proceeding. Sometimes, the Lord-lieutenant had granted pardons without consulting the judges. Sometimes, after consulting them, he had set aside their opinion, and attended, in preference, to private solicitations. According to a happy expression he had heard used, the noble Lord had dramatised the administration of justice; it was reserved for him to enact the part of pardoner in a travelling dress, visiting every gaol in his progress, liberating prisoners by wholesale, and, bringing the prerogative of mercy itself into contempt in the eyes of the Irish people. With respect to the state of crime, the noble Lord had quoted the opinion of the judges in the north of Ireland. Was there no testimony on this subject of a more recent date and of higher authority? He might refer to a witness whom all would pronounce unexceptionable, her Majesty's Solicitor-general for Ireland, and he would read a few words from the opening speech of that learned Gentleman at the late special commission at Clonmel, as well as from the charge of the learned Judge (Mr. Justice Burton) who presided. If the statements of these authorities were not conclusive in the eyes of the House of the necessity of inquiry, he could adduce no argument capable of convincing them. Judge Burton said:—

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* Hansard (Third Series), vol. xxxix. page 225.

> "The crime of wilful murder is capable of a yet further aggravation, both with respect to its inherent turpitude and its dreadful consequences—I mean, that of a previous conspiracy for its execution. Gentlemen, my imagination cannot conceive any thing more shocking and alarming to a community than the prevalence of this crime—the crime of premeditated and concerted assassination. If any addition to it can be supplied beyond the horror of its immediate enunciation, it seems to be that it can be only of a disposition existing among any considerable part or class in society to screen such criminals from detection and punishment—a disposition which, if existing, is in itself a mental, if not actual, participation of the crime."

Such was the opinion, then, of the Judge—and now he would read to the House the words of the Solicitor-general, and put it to the House whether such testimony was not most conclusive upon the subject. The Solicitor-general, in his opening speech, made the following observations:—

"I am personally a stranger to your county; but the perusal of the calendar of prisoners, and of the informations on which they are committed, demonstrate to me, whatever may be the issue as to the guilt or innocence of the accused, that there can be no doubt of the lamentable fact, that in no place where the laws of England extend, is human life less regarded than in the county of Tipperary. We are compelled to say, that these crimes are, in too many instances, the result of deep-laid conspiracy, that calls for blood and assassination. The crimes that called for this commission seemed to have for their object to prevent the exercise of that dominion over property which is its most valuable attribute, and without which property cannot be said to exist at all."

Both these important pieces of evidence, then the House would see, went to prove that neither life nor property were secure in Ireland, and that was precisely the datum which the resolution of the House of Lords assumed as sufficient to lay a ground for an inquiry. There was one point more on which he would say a word —the exercise of patronage by the Irish government. When the Police Bill was passed, changing the patronage resulting from the appointment of the Members of that force from the hands of the local magistrates to those of Government, both the noble Lords opposite, the Secretary for the Home Department and the Secretary for Ireland gave a direct and most solemn assurance that the patronage so transferred would be only nominally exercised by Government, but would really be exercised by the head of that force. Not satisfied with this pledge, his right hon. Friend near him pressed Ministers to name the officer whom they intended to appoint to the command of the force, and was answered, that Colonel Shaw Kennedy had been selected. Great reliance was placed on the testimony of Lord Donoughmore, as to the strict execution of the law. If that noble Lord's testimony was valid as to that point, it could not be impugned when it applied to the exercise of patronage. That noble Lord had declared, if he was not misinformed, that he was ready to prove by evidence before the Committee of the House of Lords, that appointments had been given to persons in his neighbourhood for political and electioneering purposes. Would they attempt to stifle the evidence by a vote of the House of Commons? Colonel Shaw Kennedy's retirement from office remained yet unexplained; Lord Donoughmore had declared that he was prepared with proofs of the mal-administration of patronage, and the noble Lord opposite attempted to get rid of these serious and important questions, by telling the House that an inquiry by a Committee of the Lords was inconvenient. Considering that these grave matters loudly called for inquiry, he would very briefly return to the question of the principles — the principles, forsooth — that guided the Executive Government of Ireland. He had not the slightest notion to what measures the principles mentioned in the resolution were intended to be applied. If to the question of municipal institutions, the two Houses were on that subject completely agreed. At the commencement of the present Session they concurred in an address to the Throne, declaring that the reform of the municipal corporations was essential to the happiness and prosperity of Ireland. They had sent up a bill for that purpose last Session, which in its leading principles was adopted by the Lords; the sole difference which occurred was on a matter of detail. What was the conduct of Government respecting that measure? When it came down from the Lords, the noble Secretary for the Home Department, in a House of about fifty Members, moved the rejection of the Lords' amendments, and then he supposed, because the measure was Irish, moved that they be printed. The hon. Member for Dublin exulted in the unceremonious manner in which the Lords' amendments were treated. With respect to the Irish Church, when noble Lords opposite asked the House to sanction and perpetuate the principles on which they had acted, he must declare that, though he had listened with the greatest attention to the debates last year, he could not discover what these principles were. He had heard, with the greatest satisfaction, the noble Lord opposite declare, in the course of the debate, that he was determined to uphold the Protestant Establishment. The right hon. Gentleman opposite cheered him, and he was glad to find the right hon. Gentleman concur in the remark; but were all the right hon. Gentleman's colleagues of the same opinion? What was the opinion of the noble Lord the Secretary at War? He even doubted as to the opinions of the noble Lord the Secretary for Ireland. He would read a few words from one of the debates last Session on the Irish tithe question. The noble Lord the Secretary at War (Lord Howick), said on July 19th 1838.

"He still believed, that the resistance to the payment of the tithes in Ireland was not only to the mode in which that vexatious impost was collected, but from the natural hostility of the people to the purpose for which they were collected. He remembered he was told by Mr. Brownlow, then a Member of the House, that it would fail, for that it was the purpose for which tithes were collected, and not the mode of their collection, that constituted the evil. He believed, that in 1835, he saw the realization of that prophesy. He, therefore, voted most earnestly for the resolutions which were at that time adopted; and he afterwards concurred in the measures founded upon those resolutions. The hon. Member for Bridport had said, that that measure had only produced a sham and a delusion. Now he had never disguised from himself, that the principles upon which that measure was founded, would have led to measures larger and more extensive than those that were afterwards proposed to the House. He was perfectly sensible, that if the Irish people had insisted for that which, in his opinion, was their clear and indisputable rights, they might have demanded more than the Government or the Legislature intended to give them."*

On a subsequent evening, namely July 23rd, the noble Lord, the Secretary of State, after professing opinions wholly opposed to those of the noble Secretary at War, said, he "felt it necessary to re-state them, lest his silence should be construed into a concurrence, in some of the principles advocated, on a former evening, by his noble Friend, the Secretary at War, with whom he did not concur in those principles.†" To which of those principles was the House called upon to assent by the present resolution, those avowed by the noble Secretary at War, or those professed by the Secretary of State? At the end of the Session, in which the Act for the Composition for Tithe in Ireland had received the royal assent, her Majesty in the speech from the Throne, had said, "I trust that the act which you have passed relating to the composition for tithe in Ireland will increase the security of that property and promote internal peace." Notwithstanding this passage in her Majesty's Speech, and within three months after it had been delivered, a noble Lord, the lord-lieutenant of the county of Cavan, who was in constant attendance at the castle, was engaged in open warfare against this species of property, and signed a resolution requiring its immediate and entire annihilation. That was the warfare which a noble Viscount, lately appointed Viceroy of Ireland, had foreseen and hoped would be successful, adopting the principles of the noble Secretary at War, and rejecting those of the noble Lord, the Secretary for the Home Department. That noble Viscount considered the existence of the Protestant Church establishment in Ireland a stain and disgrace to the Government of that country, and expressed a hope that the warfare against the Church, being transferred from the weak to the strong, would be carried on with vigour. Here, then, was her Majesty's Viceroy wishing success to a war against that species of property, the security of which her Majesty desired to increase. On one side, there were her Majesty's Speech, and the declaration of the noble Secretary for the Home Department, and on the other the avowed opinions of the Viceroy of Ireland and the Secretary at War. How was the House to express its confidence in an administration thus divided in its opinions? By what means was it to ascertain what were the principles of the Ministry? In the absence of any other materials for forming a judgment, the House must resort to the principle "*noscitur a sociis*," and turn from the professions of the Ministry to the character of its supporters, and in that point of view it was natural to look to that supporter on whom the principal reliance of the Ministry rested. That hon. and learned Gentleman was not then in the House, and he could not express himself so freely as he should otherwise have done; but this he could not help saying, that if they were to affirm the principles avowed by the chief supporter of the Ministry, principles more dangerous to the security of the empire could not be imagined. That hon. and learned Gentleman had declared, that the utter extinction of all Church property in Ireland was necessary to the honour of the Catholic population in that country; and unless that, and an extension of the elective franchise, were effected, all expectation of justice to Ireland would have signally failed, and the flag of repeal must be unfurled, never again to be rolled up. It was only necessary to add, that to the hon. and learned Gentleman who entertained these sentiments, the present Government had offered the highest judicial situation in Ireland next to the great seal. To return to the object of the present resolution, that resolution would be utterly pointless, unless its intention was to intimidate the House of Lords; it could not in any other way interfere with the inquiry before that House. But if the object was to intimidate the House of Lords, he would refer hon. Members to a high constitutional authority, of no less weight than the noble Lord, the Secretary for the Home Department himself. In the year 1833, the noble Lord, speaking of the possibility of a collision with the House of Lords, said—

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* Hansard (New Series), vol. xliv. p. 357.

† Ibid. p. 515.

> "If that House was to enter into a contest with the Lords they should do it for something worth contesting. The present was but a shadow of a claim, to prosecute which would be risking the peace and tranquillity of the country for the sake of an abstract principle. * * The check which one House exercised over the other was not invented for the purpose of bringing the two Houses into collision on every difference of opinion, but in order that measures should be adopted, that were satisfactory to both and beneficial to the country."

Those were noble sentiments and worthy of the noble Lord. The noble Lord also said, which was eminently true,—

> "That it was impossible not to see what was the object of a certain party in Ireland, who did not desire to procure legislative measures by legislative means, but who sought, by force and violence, to compel the Legislature to follow in the wake of that force and violence."

The noble Lord further said,—

> "That a seat in that House had hitherto been considered to be an honour to an individual; but if ever the time arrived when its Members should be degraded to that point, that they should suffer an acquiescence in illegal demands to be extorted from them by intimidation, it would be far more honourable to till the ground in the humblest capacity, than to be a Member of that Assembly."

He felt quite sure that all the compeers of the Duke of Bedford would express the same sentiments, and none of them would yield anything to intimidation. Then it was said, that it was necessary to guard against the revival of Orange ascendancy and domination. Now, of all the chimerical and visionary dangers that ever entered into the mind of man this appeared to be the least rational. This was not the time to entertain any such fear—old things had passed away—new ones had come in their turn—the sun could not go back upon the dial, and he was no more afraid of the return of Orange domination than he was of that of the dynasty of Stuart, or the lord-lieutenancy of the Earl of Strafford. He did not conceive, that any Government of Ireland could stand for one day which acted upon exclusive principles, or that since the passing of the Emancipation Act any one could retain power in that country except by means of a fair and impartial administration of justice, and a fair and equal distribution of patronage, according to good conduct, ability, and private worth, and without reference to religious opinions. Such were the principles on which his right hon. Friend, the Member for Tamworth, would have proceeded to govern Ireland. His right hon. Friend had declared, that such were his principles, and he might appeal to his right hon. Friend's known honour, integrity, and firmness, as sufficient guarantees, that he would have carried into effect the principles which he professed. If he might venture to give a word of advice to the Catholics of Ireland, he would address them in the words used by Lord Wellesley in 1812.

> "Let the Roman Catholics," said the noble Marquess, "endeavour to mitigate their prejudices and jealousies against their Protestant brethren—let them cease to exasperate persons of their own persuasion—let them uniformly deserve to participate with their Protestant brethren in all reasonable privileges, by showing that they are attached to the constitution, and determined practically to secure its stability—by showing that they are obedient to the laws, and have every disposition to submit to them and reverence legal authority."

If that advice should be disregarded by the Catholics of Ireland, he would appeal to the Protestants of that country, and would exhort them in every circumstance of difficulty and danger to adhere to the pledge which they had given to their Sovereign: he besought them to throw aside every Orange badge, and honestly to renounce all secret associations. Let others forget their promises; let others forget their pledges; let others put strained constructions upon their oaths; but under every circumstance, and in every trial, let the Irish Protestants be true, faithful, and sincere to the last; let them not disappoint any reasonable expectation, founded upon our faith, but let them fulfil to the letter the promises which they had given:

"Tu modo promissis manens, servataque serves
"Troja fidem."

Debate again adjourned.

HOUSE OF LORDS,

Friday, April 19, 1839.

MINUTES.] Bills. Read a first time:—Dean of Exeter; Mortgages on Sees.

Petitions presented. By the Earl of KINNOUL, and Viscount MELVILLE, from two places, for Church Extension in Scotland.—By the Bishop of LONDON, from several places for the means of Religious Instruction in the Colonies.—By Lord CAWDOR, and another noble LORD, from several places, for a Uniform Penny Postage.—By Lord GOSFORD, the Duke of NORFOLK, Viscount CANTERBURY, and the Earl of FALMOUTH, from a number of places, to the same effect.—By Lords ABINGER, and SUDELEY, for an Alteration in the New Poor-law Act.

MALTA—THE PRESS.] Lord *Brougham* said, when he yesterday asked, with reference to that very important ordinance, connected with what was called the liberty of the press in Malta, whether it was sanctioned by the commissioners, he was told that if he looked at the report he would see whether it was so sanctioned or recommended or not. He had looked into the report, and he did not find anything there to show that it was recommended by the commissioners. So far from that ordinance being favourable to the liberty of the press, he contended that it was calculated to extirpate the liberty of the press in Malta. He wished to know from the noble Marquess whether the commissioner did really authorize that ordinance or not? and whether there were any objection to laying it upon their Lordships' table? He had been also told that this ordinance was not confirmed. But it turned out that, at all events, it had been acted on; for by this day's mail he had received the *Malta Gazette,* or newspaper, which he held in his hand, and there he found a report of a trial under the fifth chapter of this law—a conviction for libel, and a sentence of six months' imprisonment for that libel, for censuring without defaming, for if there had been defamation the penalty would have been twelve months imprisonment. This action, it appeared, grew out of some observations on the Roman Catholic religion. One part of this chapter said, that if any person advanced anything hostile to the Roman Catholic religion he should be liable to punishment. Now, he should presume to say, that the fifth chapter meant only to declare that the Roman Catholic religion was better than no religion. It never could mean, that if you denied it to be the best possible religion you thereby libelled it. He thought it would be just as much a libel on an individual—on any noble Lord in that House—if he were to say to that noble Lord that, though he was better than a great many others, yet he did not think, for all that, that he was the very best man in the world. He might say that, without any breach of truth; he might say that, without meaning any disrespect; he might say that, without being guilty of a libel. He could imagine another way in which the matter might be considered. It might be asked, whether it was better to have no religion at all rather than the Roman Catholic religion? Those who would affirm the proposition that it was better to have no religion, held an opinion exceedingly different from his, and, as he conceived, a most erroneous opinion; for, though he denied the truth of the Roman Catholic religion, he looked upon it to be a most exaggerated attack upon that mode of faith to say, that it was better to have no religion at all. The writer who had been convicted in this case of libel said, with reference to the Catholic religion, "that it left the mind at a loss to determine whether it be better than any religion at all;" and for that he was sentenced to six months imprisonment. Now, the statement was not whether the Catholic religion was better than "no religion at all," but whether it was better than "any religion at all." If a man in this country were to say five thousand times over, even of the religion of the Church of England, that "he doubted whether it was better than any religion at all," provided he used the expression in an argumentative manner, temperately and moderately, as a Dissenter might do, what law was there to punish him for that? The late Mr. Coleridge had wittily observed, "When you state that such a religion is better than no religion at all, it is just as if you should say sugar of lead is better than no sugar at all, therefore it is proper that you should put it in your tea—oil of vitriol is better than no oil at all, therefore it was fit that you should compound your salad with it." He might admire the wit, but he disapproved of the conclusion. For any thing he knew, the next packet might bring an account of a man, under this ordinance, being convicted at Malta, for making the most innocent observations—for merely saying that he disapproved of the conduct of another man, and be punished for it. Certainly, the state of the law intended for the liberty of the press in Malta was most monstrous. Why, there was one part of it by which a man about to be libelled, if he did not himself prevent that libel, was liable to conviction and six months' imprisonment. He was considered as an accessory before the fact of his character being libelled by another person. Nothing more absurd or unjust could possibly be imagined. He hoped there would be no objection to lay before Parliament the whole of this matter, and he would now repeat his question as to whether that ordinance was recommended by the Maltese commissioners?

The Marquess of *Normanby* would repeat what he had said on a previous occasion, that it would tend much to the convenience of the public service if notice were given of questions of this nature; and it was particularly desirable in his department, otherwise it was possible that his answers might be given without a due knowledge of the subject, and, in consequence, a wrong impression might go forth. Such a course would be not only fair to him, but to his noble Friend who preceded him in the office, and who was much better able to give a reply than himself, inasmuch as a considerable portion of the proceedings took place during the time his noble Friend had held the colonial seals. They were now trying a libel case over again, with an English translation of an Italian version. He thought, from the excitement of the noble and learned Lord, that it would have been desirable for him to have given notice for Monday, or some other day, instead of asking the question now. He would, however, answer the question on the present occasion, but he protested that this was the last time he would answer a question without notice. The ordinance was sent out by his noble Friend who preceded him, on the recommendation of the commissioners, subject to any alteration which the council might consider advisable. The only step he had taken in the matter was to suspend, but not to disallow, the law until her Majesty's pleasure should be made known. After the laborious report of the commissioners, which proved that the subject had received the most serious deliberation, he could not think of disallowing the ordinance until the subject should be duly canvassed. That which had been adopted was nothing more than an experiment, and there was nothing to warrant him at once to undo it. He regretted the absence of his noble Friend, who could have given much more satisfactory information to the House; but he would observe, that there was no liberty of the press at all until the ordinance had been sent out. In fact, there was nothing but a censorship.

Lord *Brougham* could not take any blame to himself for asking the question. The noble Marquess after the discussion of the previous night, could not have been unprepared with an answer; for the slightest degree of male curiosity ought to have induced the noble Marquess to inquire into the matter. It appeared now that the noble Marquess knew a great deal about the question. This law, it was stated, had been most deliberately framed, and was not agreed to until after mature consideration and much discussion. However, two years and a-half had been suffered to elapse between the demand made for the liberty of the press in Malta and its infliction in the present way. Talk of a censorship! the censorship was ten times more harmless than this ordinance, for he should be glad to know what censor, with a head upon his shoulders, would have sent a man to prison for censuring another without defaming him, in a manner that did not even tend to defame him, and that without any power to mitigate the sentence. The noble Marquess had spoken of his excitement. His only excitement was, that he spoke like one who took some interest in the law of libel, and who was opposed to such an unwarrantable ordinance as this, which was worthy of the time of Charles 1st.—of the Attorney-generals of the Stuarts, or, to go further back, of the Tudors themselves. This ordinance was given in performance of what? In performance of a promise given in a proclamation, where it was stated, that the Government was resolved to grant the liberty of the press to Malta. When he found that this atrocious law of libel was granted in performance of that solemn promise—when he found that praise was given to the Government in the other House of Parliament for having bestowed such liberty of the press as he had described upon Malta, he could not avoid expressing his astonishment, and in doing so he could not avoid manifesting some degree of warmth. Now, as to the new doctrine introduced to-night by the noble Marquess, namely, that no question should ever be asked without previous notice, he begged leave to dissent from it. In the other House of Parliament, where he sat with the noble Marquess, it was a matter of constant occurrence to put questions to official personages without notice. And those questions were always answered, except they were such as no man could answer without previous consideration. But his question was the most harmless in the world, and one which he supposed could have been very easily answered. In times of great majorities — when there was a strong-minded Administration, and the more strong-minded the greater their courtesy —they did not bluster and demur, and say they could not answer a question without notice. No; questions were uniformly answered, except, as he had before said, when they were questions of such a nature as, involving public matters, required deep consideration. He would now show the different conduct of a council in Malta, where there was *copia peritorum*, and of another council in Malta where was *inopia peritorum*. To the last this ordinance was owing. It was presented to a council, in which there was not an English lawyer to consider it; and, whatever the Maltese lawyers might have said, the fact that it was agreed to, proved to him the folly and absurdity of having removed the British judges; for certain it was, that neither the British Chief Justice nor the British Attorney-general were of the council that approved of the ordinance as it now stood. But there had been another council, of which the Chief Justice was a member, and that which occurred there showed the necessity for the appointment. Certain duties had been decided on to the amount of 70,000*l.* or 80,000*l.* a-year. It was necessary, however, that certain machinery should be provided, to render legal the levying of those duties. Well, for that purpose a code was drawn up and transmitted to the council; but, when examined, it was found to be altogether objectionable. That code could not be adopted, for it was in many parts illegal. And who pointed out these objections? Why, the Chief Justice, who had been removed. The liberty of the press ordinance was passed in the absence of a chief justice—the presence of a chief justice prevented the adoption in the other case of an illegal code. This showed the difference between having a council assisted by an English lawyer, and having a council attended by a Maltese judge.

The Marquess of *Normanby* felt positive that the noble and learned Lord would not have been allowed in the House of Commons to make such a speech as he had made that evening on putting a question. He had yesterday objected to answer the question put by the noble and learned Lord, entirely on the ground of the general inconvenience which would arise if questions put without notice assumed the form of speeches requiring replies of a considerable length, and he had not made the objection on his own account, but for another reason which did not appear to have occurred to the fair and candid mind of the noble and learned Lord, and which was, that the observations of the noble and learned Lord regarded more particularly a noble Friend of his who was absent, and who must be better acquainted with the circumstances to which the noble and learned Lord had referred, and particularly as to the suppression of the offices of Attorney-general and Chief Judge, than he was. As to the other observations which the noble and learned Lord had thought proper to make, he would only say, that whether the present Government was strong or weak, he should exercise his own discretion as to the course which was consistent with his public duty, and he could not think, that it was for the advantage of the public, that public servants should be called upon to answer at once any question which might be put to them without notice. He should say nothing of the tone in which the noble and learned Lord had made his remarks further than to observe, that neither the words nor the gesticulations of the noble and learned Lord could produce any effect upon him, for he fortunately was not of a temper likely to be disturbed by anything of that kind.

Lord *Brougham* said, the noble Marquess had altogether changed his ground, and his complaint now was, not that he had put a question without notice, but that he had made a speech without notice. In answer to that, he begged to observe, that the practice in the two Houses of Parliament was wholly different. He had heard over and over again, speeches made on putting questions, and when the answers were given to the questions, replies were frequently followed by rejoinders, sur-rejoinders, rebutters, and sur-rebutters. If the objection was, that he made a speech without making a motion, what could have been easier for him to do than to make then the motion which he was now about to make?

The Marquess of *Normanby* hoped, that the noble and learned would give notice.

Lord *Brougham* said no notice was necessary; there was no regulation to that effect; it was a matter of courtesy, and not of right. The motion too which he would make was one of course, and therefore not such as it was usual to give any notice of. He should move for a copy of the ordinance respecting the liberty of the press in Malta, and he begged leave to give notice, that unless by Thursday next he found, that the ordinance was revoked, he should again call the attention of the House to the subject. It was the grossest delusion to say, that there were only two or three objections to the ordinance; it was full of objectionable provisions, and it was quite enough to say, that it would extirpate every vestige of the liberty of the press. The noble Lord concluded by making his motion.

The Duke of *Wellington* would make one observation on the conversation which had taken place. He thought it was most desirable to adhere to the practice which had been followed in that House, and indeed in every well regulated public assembly, of not making motions without previously giving notice of the nature of the subjects proposed to be discussed when they were made. He begged to remind the noble and learned Lord, that considering the situation which the noble and learned Lord had filled in that House, he ought, of all men, to be anxious to adhere to the rules which had been hitherto observed for preserving order.

Lord *Brougham* could assure the noble Duke, that while he had the honour of holding the situation to which the noble Duke had alluded, he had done everything in his power to preserve something like order among their Lordships, but it was the most hopeless task which he had ever undertaken. The reason was, that the Speaker of that House had no greater power than any other noble Lord, and that made it the more necessary for the noble Duke as well as himself, now to give their best assistance towards the preservation of regularity in the proceedings of the House. The noble Duke would find it a more arduous undertaking than he imagined; but its difficulty was no reason why the noble Duke should not attempt it.

Motion agreed to.

HOUSE OF COMMONS,

Friday, April 19, 1839.

MINUTES.] Petitions presented. By Mr. O'CONNELL, and Mr. PIGOTT, from a great number of places, in favour of the Ministerial Policy in Ireland.

LORD LORTON'S TENANTS.] Mr. *Sheil* said, he had a petition to present from several tenants of Lord Lorton, which, as it was short, he would beg to read. The hon. and learned Gentleman then read the petition, which stated, that on Thursday the 4th of the present month, Mr. Courtenay, the agent to Lord Lorton, accompanied by the sheriff of Longford, and a large force of military and police, had turned them out of their houses, which were afterwards levelled to the ground. That the petitioners were not conscious of any crime they had committed, or of having given any reason for such a calamity being inflicted upon them, but that they had reason to believe, that they were ejected on account of their religion, they being Roman Catholics; and they believed this, from the circumstances that no Protestants had been ejected, and that Protestants had been placed in the holdings from which the petitioners had been ejected. The petitioners stated, that they were in number 250 persons; that having been thus ejected, they had no prospect before them but beggary in their own country. That they were desirous of emigrating, but had not the necessary means of doing so, and they prayed the House to afford them those means.

The *Speaker* thought, that as the petition involved an application for pecuniary relief, it could not be received.

Dr. Lefroy rose, but was met with repeated cries of "Chair!"

Mr. *Sheil* said, that having been informed that the prayer of the petition was informal, he had withdrawn it.

Dr. *Lefroy* said, that upon the question that the petition be withdrawn, he would make a few observations.

The *Speaker* said, there was no question before the Chair.

Upon the motion that the Order of the Day for resuming the adjourned debate be read,

Sir *E. Knatchbull* said, with respect to the petition presented by the hon. Member for Tipperary, the strict rules of the House had been adhered to; but the hon. and learned Gentleman had made statements of a very harsh description affecting the character of a noble Lord, and it was most important that they should not go forth without explanation. There was now, he apprehended, an opportunity for his hon. and learned Friend, the Member for the University of Dublin, for giving that explanation, upon the motion that the Order of the Day be read.

Dr. *Lefroy* felt it necessary to take the opportunity of observing upon what he must call the unfair course that had been taken in this matter. A petition containing most unfair and uncandid reflections upon a noble Friend of his had been read nearly *verbatim*. The whole sting of the insult had been inflicted, and then the petition was withdrawn. The petition purported to come from 220 persons, but was, in fact, signed by only seventeen, and of those seventeen, five were workmen. He must do the hon. and learned Member for Tipperary, however, the justice to say, that he acted in this with that becoming feeling which had been at all times experienced from him. The hon. Member had shown him the petition, and on looking on the hand-writing of the signatures, it was almost palpable that they had all been written by the same person. The petition stated, that Lord Lorton had ejected only his Roman Catholic tenants; implying that he allowed the Protestants to remain. But there was not a single Protestant tenant in the village—a strong proof of the way in which his noble Friend's estate had been managed. It was said, that the noble Lord had given his lands to Protestant tenants; but he pledged himself that, up to that moment, not an acre of the land had been disposed of, nor a single tenant named nor thought of. On the rest of his estate, Lord Lorton had made a selection of the most industrious and solvent Roman Catholic tenants; and not a single pauper had been turned out, without getting money for emigrating to America—yet these facts were suppressed, although not denied. He thought it due to the excellent and benevolent nobleman, whose conduct had been questioned, to make these statements, for the truth of which he pledged himself before the House and the country.

Mr. *Sheil* said, that when he had understood there was an objection in point of form to the petition, he had withdrawn it. He did not think it could be said, that there was anything unfair on his part. He felt, that where charges were made against an individual with whom he knew the right hon. and learned Gentleman had communication, it was only right to apprise him of the fact. Notwithstanding the statements of the right hon. Gentleman, he was rather apprehensive that it would be found, on investigation, that the principal facts in the petition were correctly stated. He wished to be allowed to read for the right hon. Gentleman and for the House, who might not be aware of the system adopted by Lord Lorton in the county of Roscommon, a document—a proclamation coming from that noble Lord, dated the 5th of the present month, which had been published from Rockingham, his residence. There might be controversy as to matter of fact, of which there was no evidence before the House; but there was an easier way of arriving at a conclusion as to the nature of the system adopted by Lord Lorton. In this document Lord Lorton said, that, in consequence of the persevering, barbarous, and savage murders of Protestant tenants, Lord Lorton had taken possession of Ballinamuck. [Mr. Sheil here remarked, that the hon. and gallant Colonel, the Member for Sligo, had said, that Lord Lorton's tenants were turned out for non-payment of rent. Colonel Perceval denied the statement, and Mr. Sheil having begged pardon for the mistake, proceeded with the reading of the document.] Lord Lorton said, that in order to put an end to those atrocities, and the machinations of vile incendiaries, he gave notice, whenever an outrage should occur, to which the law affixed the penalty of death, and the offenders were not discovered, the same system should be adopted. Lord Lorton trusted, however, that after these examples and warnings, it might never be necessary for him to repeat the performance of the same painful duty. He hoped that his Catholic tenants would not hereafter view their fellow-subjects as heretics because they worshiped the Almighty according to the precepts of his holy word. It was not denied, that this document was authentic. Let it be compared with the petition, and it was enough to decide the matter.

Colonel *Perceval* said, that the hon. and learned Member for Tipperary having attributed to him a statement that Lord Lorton had dispossessed some tenants on account of non-payment of rent, he wished to state what he did say. It was this: Lord Lorton, finding a portion of his estate crowded with pauper tenants, under a middleman, to such an extent that families could not subsist on the small holdings into which the land had been divided, had deemed it necessary to dispossess a certain portion of them, leaving the most respectable and industrious tenants, without reference to religion, in possession of holdings sufficient to sustain a family. To those who were removed, the noble Lord had, with his usual liberality, given from five to twenty-five guineas, and forgiven from one to three years' rent. The noble Lord had been compelled to make an example of the village of Ballinamuck, in consequence of a repetition of murders, disgraceful to the county and to the character of the people. Murders had been committed in broad daylight, and the widow of one of the victims who went to the village for assistance, was turned into ridicule, gibed, and hooted at. It was not one or two either, but a continuation of murders; and in four cases of outrage, the parties were worse than murdered, for they were so mutilated as to be left unable to support themselves. Therefore he thought that the document which the hon. and learned Gentleman had read with an emphasis calculated to turn it into ridicule, was such as to do equal credit to the head and heart of the excellent nobleman who wrote it.

GOVERNMENT OF IRELAND — ADJOURNED DEBATE — FIFTH NIGHT.] On the Order of the Day being read,

Mr. *T. Duncombe* said, he was well aware that, according to the strict rules of the House, he could not now move the amendment of which he had given notice; yet, perhaps, it would be for the convenience of the House, that one debate should close the discussion on the different questions on which they must ultimately divide. If such were the pleasure of the House, perhaps he might now be permitted—particularly as one or two tender inquiries had been made after his amendment—to state, as briefly as possible the reason which had induced him to take the course of which he had given notice. That course he thought absolutely necessary, in order that her Majesty's Ministers might not either deceive themselves or any one else, in believing, that the vote of approbation which they would receive that evening, would be a vote of approbation of the entire of their general policy. As regarded their policy towards Ireland, he (Mr. Duncombe) trusted, that it would receive the sanction of as large a majority as the state of parties in that House would possibly admit of. Their policy in that country he thought entitled them to such approbation. That country, as appeared, and as was amply proved by the various petitions presented during the week, had been governed in strict accordance with the wishes and opinions of her people. He wished he could say the same for England. A different course, he thought, had been pursued here—a course which had not only tended to bring her Majesty's Ministers and their administration into discredit, but was tending daily to alienate the affections and confidence of the people from the Government. He had not yet heard, during the debate, any argument to satisfy him that the present Ministerial motion was absolutely necessary. If it were intended to console the late Lord-lieutenant of Ireland for any attack that had been made upon him for any inquiry that had been instituted in the House of Lords, he really did not see how it could have that effect. He thought that Lord Normanby would have done much better to have left his administration to be judged of by the benefits it had achieved, rather than have brought it under discussion to be made the object of party misrepresentation. Besides, he much feared, that the whole of the present discussion would be a perfect waste of time. After several nights debate, to the exclusion of much more important matters, they would leave the question exactly where they found it. But cabinets, he supposed, like individuals, were the best judges of what was due to their own honour and their own feelings; so he must conclude, that her Majesty's Ministers had taken that course which was best adapted for the vindication of their own character. But what was the position of parties in that House in reference to this question? The noble Lord, the Ministerial leader, had called on the House for a vote of confidence in one branch of the domestic policy of the Administration. The leader of a formidable opposition—of an almost overwhelming opposition, and thirsty for place and power, had moved an amendment to the resolution of the noble Lord. He had not, to be sure, moved a vote of confidence either in himself or his party; but he meant his amendment as a sort of compliment to the House of Lords—a compliment which, as he thought they did not deserve it, he would not willingly pay them—unless, indeed, that House had returned to what it formerly was a sort of deputy House of Lords. The hon. Baronet, as it seemed, would not have them do any thing which might have even the appearance of questioning any proceeding of that assembly. He did not believe, that any individual in that House would question the undoubted right of the Lords to institute any inquiry they might think proper into crimes, outrages, or other peccadilloes of man, woman, or child, in England, Ireland, or Scotland, if they thought proper to institute such an absurd and factious inquiry. But because they thought proper to institute an inquiry, was the House of Commons to be told that, for fear of offending any one of the fifty-five noble investigators, they were not to express an opinion on the branch of Ministerial policy to which the absurd and factious inquiry related? The right hon. Baronet, the Member for Pembroke, had warned them in his able and eloquent address, that that House ought not to enter into collision with the House of Lords. He would like to know where was the right hon. Baronet's prudence in 1832? The right hon. Gentleman had told them not to interfere with the free opinion and undoubted liberty which the House of Lords were in possession of. It was the undoubted liberty of the House of Lords to reject and mutilate any measure sent up to them; and where, therefore, was the right hon. Baronet's prudence in 1832, when he gave the advice to his Sovereign to deprive the House of Lords of the power which they had to reject the Reform Bill—the best advice that any Minister ever gave—when it was proposed to infuse a little popular feeling into that assembly? Was not the present House of Commons the offspring of that advice? And yet they were told to do nothing which could have the appearance of calling in question any proceeding of the other House. Although he believed, that they did stand low in the eyes of the country, they had not yet arrived at that point of degradation. What was to be done in the midst of the party scrambles and vexatious proceedings of the factions on this occasion? In the right hon. Baronet's amendment he could find nothing to which he could give his assent. He wished to obtain something for the people. The noble Lord's resolution did not go far enough, and therefore he proposed, if the right hon. Baronet's amendment did not take effect, to move an addition to the noble Lord's resolution in the following words:—

> "And that it is also expedient to effect such further reforms in the representation of the people in Parliament as shall conduce to their contentment, and the security and welfare of the kingdom at large."

It was, in effect, very much like what he had the honour of moving upon the Address; but it was now brought forward under much more auspicious circumstances, for no one, not even the most courteous Ministerial Reformer, could now say, that it was uncourteous to the Crown. There were Gentlemen sitting on the benches near him who frequently rejoiced in the title of Whigs—pure old Whigs of the Fox school. He should like to know if Mr. Fox were a finality man? Did Mr. Fox entertain the doctrine now put forth, that there was an end of legislative improvement, and that the constitution was perfect and complete? Mr. Fox was exactly the reverse. He was an advocate for a great extension of the suffrage, and for shortening the duration of Parliament; and when he advocated those opinions, he was met by exactly the same arguments that Reformers were met with now; but how did Mr. Fox treat such absurdities? He would read Mr. Fox's words; when some Gentlemen contended, that all was perfect with the Constitution in general and the constitution of that House, Mr. Fox said:—

> "Now it seems the Constitution is complete—now we are to stand still. We are to elevate ourselves with the constitution in our hands, and to hold it forth to a wondering

world as a model of human perfection. Away with all further improvement—for it is impossible. Away with all further amelioration of the state of man in society—for it is needless! Let no man touch this work of man: it is, like the works of Heaven, perfect in all its parts; and, unlike every other work of man, it is neither capable of perversions nor subject to decay! Such is the presumptuous language that we hear; and, not content with this haughty tone, they imitate the celebrated anathema of brother Peter, in the 'Tale of a Tub,' and exclaim, 'confound you all eternally, if you offer to believe otherwise.'"

It might be said, that Mr. Fox did not live to see the Reform Bill carried. But judging by the arguments which Mr. Fox held against those who resisted reform, it was quise clear that his idea of Whig principle was widely different from the idea of Whig principles entertained by those who now professed them. He had heard it stated in that House, from the Treasury bench, that Mr. Fox, on one occasion, said, that he knew of no means of governing the people but by pleasing the people; therefore, that he would concede, and if he found he had not conceded sufficiently, he would concede more. He would not do Mr. Fox's memory the injustice to believe that he would have said now, "Stand still; do not touch the Reform Bill." If Mr. Fox saw what now existed—a reform Government scarcely able to command a majority in a Reform Parliament, and, therefore, obliged to shape their measures so as to conciliate the views and wishes of anti-reformers—he would not have said that the Reform Bill was perfect and complete. If Mr. Fox saw hundreds and thousands of persons signing petitions in favour of an extension of the suffrage, he would not have said "stand still." If they thought this exaggerated, let them try the state of public feeling at any public meeting in the metropolis on any subject, and depend upon it that no business would be attended to until the paramount necessity of Parliamentary Reform was acknowledged. In Scotland the cry for Parliamentary Reform met them in Edinburgh; and go where they would the same demand would be made for a revision of the Reform Act. When the people carried the Government of Earl Grey through the struggle of 1832, they looked with confidence to that House as a tribunal before which they might come and have their grievances redressed. Look at the conduct of that House upon the Corn-laws. Did they not, when thousands of intelligent petitioners came before them, treat them with contempt?—and did the House not scandalously refuse to listen to their complaints, and tell them that it knew their interests much better than they knew them themselves? Would they have dared to tell them so if they had been more closely identified with the wishes of the people? They were bound to fulfil their promises of reform—they had promised representation instead of nomination—they promised freedom and purity of election, and instead of receiving those, the people were borne down by intimidation, dictation, and corruption. They could not deny this; and why then the doctrine of finality? The noble Lord (Lord John Russell) in his speech the other night had called upon him, before he moved his amendment, to make a statement of the views as to the reform which he would propose. He maintained that it was not the moment then for entering into details. It was of no use for him now to propose remedies unless they admitted that remedies were required. If he wanted an authority for this he would appeal with confidence to the conduct of the noble Lord on the Corn-law question. When his hon. Friend the Member for Wolverhampton invited the House to take into consideration the duties on the importation of corn, one of the supporters of her Majesty's Ministers, the hon. Member for Somerset (Mr. A. Sanford), called on the noble Lord to state what he meant to propose if the House went into committee? To say that he was in favour of a fixed duty was not sufficient. He would read to the House what passed on that occasion. The hon. Member read a passage to the following effect:—

"Mr. A. Sanford said, much observation had been made on both sides as to the declaration of the noble Lord, the Secretary of State for the Home Department, and when the noble Lord talked of a fixed duty, he wished to ask him what that duty was intended to be; not that the noble Lord's answer would have any effect upon his (Mr. Sanford's) vote, as he had fully made up his mind to give a decided negative to the motion; but he was induced to ask the question because he had given a firm and, he trusted, independent support to her Majesty's Government, and in consequence of the opinion expressed in another place by the noble Lord at the head of the Government. If he thought that the opinion of the noble Lord entirely coincided with the opinion of the majority of the cabinet, he would not have put the question: but he was inclined to think that a different opinion was entertained by a majority of the cabinet. He had thought it a duty which he owed to his constituents, though a painful one to himself, to ask what the noble Lord intended by a fixed duty, and he entreated the noble Lord to answer the question. Lord J. Russell said, he had stated in his former speech that he was in favour of a moderate fixed duty, and he believed that he was justified in so doing; but having reference to the specific motion of the hon. Member for Wolverhampton, which was one for the House resolving itself into a committee of the whole House for the purpose of considering the Act of 9th Geo. 4th, regulating the importation of corn, it was clear that the motion bound neither himself nor any one who voted for it to concur in a total repeal. In stating, then, that he was in favour of a moderate fixed duty, he had not felt that under the terms of the present motion it was competent for him to go further; he could do so, but it would take much time, and require the detail of many calculations; and if he had stated any reasons for the amount of duty he would recommend, he would have entered upon a question differing from the proposition which had been made, and would merely have caused a debate relative to any alteration by a total repeal, and to the substitution of fixed duty. He conceived that the proper place for a discussion of that kind was in a committee of the House; and if he had now argued it, he would only have interposed a new question between those who were in favour of the present law as it stood. and those who wished to alter it."

Now that was just his case when he was called upon to go into details upon his amendment. There was no use in his attempting to build when he had no ground whereon to build. Let them give him ground. Let them agree with him that the Reform Bill was inefficacious, and that it required a remedy, and he would give them plenty of remedies. If those remedies went too far, they might be curtailed; if they did not go far enough, it was easy to extend them; and once established on firm principles, Ministers need not be afraid of coming down to that House for a vote of general approbation of their policy. Let them be true to the people and the people would be true to them. The people were not so unreasonable as some persons supposed them. It was said of the Ministers, he knew not whether justly or not, that when the court was against them they had clung to the people, but when the court was with them they had turned their backs on the people. The people of England were grateful for the conduct of Government to their fellow-subjects in Ireland; but with regard to themselves they scarcely looked to it with any hope. He had often heard the Ministers say, that no Government could be strong unless it was founded on the affections of the people. If they were of that opinion, and said so still, they must admit that an extension of popular representation would not weaken but strengthen the stability of the State. It was for this reason that he should propose the amendment of which he had given notice, feeling confident, in doing so, that if her Majesty's Ministers and that House would agree with it, it would accomplish that which it promised to accomplish—namely, not only the contentment of the people, but the welfare and security of the State.

Sir *C. Style* said, that if any vote were to pass the House in the slightest degree conveying censure on the measures of the Executive in Ireland, it would at once destroy every prospect of the Irish being able to obtain prosperity for their country. Ireland was now in a far more satisfactory condition than it had ever been at any former period of its history, and the contrast was most striking between the present state of things, and that of a period not very far distant: What was it that created there a degree of destitution dissimilar to any thing that was to be found in any other part of the empire. He did not deny that enormity and crime existed in Ireland to a frightful and lamentable extent, but he at the same time believed, that it was not in a worse state now than at any former period. He thought that the state of crime in Ireland was not imputable to any Government, but rather to the peculiar condition of society in that country, and therefore he was unwilling to vilify either Lord Normanby, Lord Anglesey, Lord Wellesley, or any other Lord-lieutenant. The Lords-lieutenant of Ireland had each in their turn been vilified, but for his own part, he neither attributed the unfortunate state of that country to misgovernment, nor to the conduct of the hon. and learned Member for Dublin. The hon. Baronet read an extract from the second report of the railway commissioners, to show that potatoes which had originally been considered "unfit for swine," constituted the food of the peasantry, and said that, if the poor were deprived of their holdings, as had been described in the course of that night, it was not wonderful that crime, the result of misery and wretchedness should exist in the country. Without land they could not produce that which was their only food; and knowing how much the peasantry of Ireland were attached to locality, it was not to be wondered at, that they became exasperated when deprived of the ground which they had reclaimed, perhaps, from a barren waste by the sweat of their brow. In connexion with this point, he might refer to Ulster. In that province the causes which elsewhere led to prædial disturbances, were not in operation. The tenure of land was more secure, leases being granted in the greater number of cases. Also, nearly all the occupiers held directly from the head landlord, and so were exempt from the extortions of middlemen. But, above all, the landlords of Ulster were found in general to exercise their rights, with a forbearance, humanity, and judgment, which showed, that their minds were impressed with the consciousness that duties, as well as rights, belonged to the possession of property. But still, if even in that province, the landlord showed a disposition to strain his power, in the smaliest degree, beyond what the people deemed right, so dear to them was their possession of the land on which they had been born, that there, as well as in other parts of Ireland, strong measures were occasionally resorted to for the purpose of keeping within due bounds the power of the landlord. He would say a few words with respect to the state of crimes in Ireland at other periods, as compared with the present time. He was not going to trouble the House with long statistical calculations of what had occurred at this or that particular period. He would only refer to a period of twenty years previous to the Government of the present Ministry in Ireland, that was one continued scene of crime and outrage of a most fearful and enormous description. He would begin with the year 1811. He would assure hon. Members he would be as brief as possible, but he must really be permitted to trespass a little on their time. The Irish newspapers week after week, and month after month, were then giving details of outrages to which there was no parallel in any other country. They had it in the words of the hon. and learned Gentleman, who was the Solicitor-general at that time, Mr. Bushe, and who was now the Lord Chief Justice of Ireland, in a speech delivered by him at a special commission in the county of Tipperary, and in which he had denounced the then existing associations, that, "they did away with the rights of property, they prevented the transfer of property, and prostrated the exertions of industry. Another part of their system had been to denounce as public delinquents all the persons amongst the lower orders who contributed in any degree, however humble, to the administration of justice." In 1813 and 1814, they had the testimony of the right hon. Baronet, the Member for Tamworth in a speech, delivered on the 8th of July, 1814, that "in those parts of Ireland, where the laws had been administered with the greatest severity, and where the greatest number of convictions had taken place, the terror arising from those convictions, had barely survived the cause, when new combinations of a more extensive and dangerous character, had obtained birth; and these combinations were carried on with a degree of secrecy which defied the operations of the law as it at present existed."* The year 1815 was distinguished in the annals of crime by the murder of Mr. Baker, a magistrate of the county of Tipperary. In 1816, disturbances had prevailed in no less than five counties in Ireland; in the counties of Tipperary, Queen's County, Westmeath, Limerick, and Louth, and those disturbances, according to the Attorney-general, "seemed to be the result of a general confederacy in crime." That year was noted by the barbarous massacre in the county of Louth of a family consisting of nine persons. It was even said, that the mother of the family, with an infant at her breast, had implored for mercy in vain, the babe was thrust back ou the point of a pitchfork, and consumed in the fire. In 1818, there seemed to be a partial calm from further outrage. But in the following year, outrages had again prevailed. In 1821 agrarian outrages extended over the whole of the south-west of Ireland, and had compelled the enactment of the Insurrection Act, and the suspension of the Habeas Corpus Act. That year was distinguished in crime by the murder of Mr. Going, a magistrate; and on that occasion the surrounding hills were lighted up with bonfires to communicate the glad tidings far and wide. There had also been an atrocious murder in the county of Tipperary of a family of eighteen individuals named Shea, who had all been burnt to death in one room. With all these horrors fresh in their recollection, how could they attribute crime in 1839 to the policy of Lord Normanby? It was said, that that noble Lord had not administered the law with vigour; he contended that Ireland had improved more during Lord Normanby's Government, than at any other period, and that noble Lord had never shrunk from grappling with crime wherever it had existed. Then they had other grave charges brought against Lord Normanby of an abuse of the prerogative of mercy. The noble Lord, the Member for Bath (Viscount Powerscourt) had stated that 1,100 persons had been improperly liberated from the gaols, who had been convicted of heinous offences. Lord Normanby had vindicated the supremacy of the law, and had effectually suppressed disorder, and the result had been, that that mercy had not been abused by the people, for fewer outrages had since been committed. There might have been individual instances of outrages, but he was speaking generally, and outrages generally speaking, had almost entirely ceased in Ireland. Then there was a charge made against Lord Normanby's Government, that he had shown a disposition to screen political offenders. He denied, that this charge could be made against the Government of Lord Normanby with so much justice as it could be made against the Government of Lord Haddington. They must seek to obtain respect for the law amongst the people of Ireland, by administering it in such a manner, as to show them, that it was the best and surest protection against oppression of every kind, by continuing to administer the law with that spirit of impartiality and justice, and with that degree of vigour, with which it had been administered by Lord Normanby; but, above all, they must seek to improve the moral character of the people of Ireland, by giving education to the rising generation; they must enter upon that task, not with the limited and Sectarian object, of merely inculcating into their minds, doctrinal points of faith of this or that particular religion or creed, but they must enter upon it with the more high, and in his humble opinion, the more truly christian object of inculcating the feeling amongst them "to love one another."

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* Hansard, vol. xxviii. p. 646.

Sir *George Sinclair* spoke to the following effect:* If the Members here assembled from the various districts of Great Britain and Ireland were to compare notes, it would be found, that the character of this House, which has long been greatly at a discount, has, even since the commencement of this Session, fallen at least twenty per cent. It is alleged that we display no energy, and despatch no business; that we say little that is worth the saying, and do little that is worth the doing; that country gentlemen were never summoned to so little purpose in the month of February from their families and their firesides; that we are chiefly notorious for the intolerable length of our speeches, and the interminable adjournment of our debates; that, whilst the Ministers have kept back everything important, the Conservatives have brought forward nothing aggressive: in short, the relative position of the two great parties has been compared to that of the French and English guards at one of the battles in the seven years' war, who, on that occasion, treated each other with a somewhat unseasonable ceremoniousness, and began by interchanging bows instead of bullets, until the French exclaimed, in the exuberance of their national politeness, "Gentlemen of the English guards, pray be pleased to take the first fire." There appears to have been, during the early part of this Session, a similar unwillingness to strike the first blow; but this "*tirez les premiers*" system is at last come to a close. The noble Lord has assumed the initiative; and the scope and import of his present motion constituted, during the recess, a very prominent theme for comment and lucubration. The few surviving stragglers of the expiring Whig faction affected to maintain, that the step which the Government has now taken, is manly and magnanimous; but, according to the general sentiment of acute and impartial observers, it is far more cunning than courageous. The chief object is to achieve an apparent and temporary triumph by extorting or entrapping the suffrages of certain Members of the House, who feel hampered and hemmed in as regards the Irish policy of the Government, but who are so exasperated and disappointed at having been so long deluded and so often deceived by the Cabinet, that, if we may believe their own voluntary asseverations (which few, except myself, seem disposed to do), they would as soon think of cutting off their right hands as of giving any vote which should indicate or imply a general approbation, on their part, of the past conduct, or present course, pursued by her Majesty's Ministers. But, Sir, nothing has for a long time so much astonished the whole country as to see the noble Lord and his colleagues still grouped, as usual, on the Treasury Bench, and bringing forward the estimates for the year, after the warning given, or rather the menace uttered, by the noble Premier in another place, that, if he were left in a minority on a then impending division, the most important consequences would result — a declaration universally regarded both by friend and foe as equivalent to a pledge, that, if defeated, he would retire from office. I defy the noble Lord to point out any class or section of this great community, a majority of which entertains towards her Majesty's Ministers, as statesmen or politicians, any feeling either of confidence or of respect. I am persuaded, that bells would be rung, and bonfires lighted, in every town and hamlet throughout the kingdom, at the welcome intelligence of their dismissal or resignation. In opposing universal suffrage, they act in strict conformity with the *lex talionis;* for, with the exception of their own immediate retainers, universal suffrage is opposed to them. If the demise of the Cabinet were announced in the political obituary, and its obsequies about to be solemnised, I am quite at a loss to guess who could be called upon to act as chief mourner. That duty would, perhaps, be most fitly performed by the noble Viscount's successor, whoever he may be; for he would certainly find that he had come into possession of a very deranged, decayed, and dilapidated inheritance; whilst the funeral oration might be pronounced by the Isocrates of the Precursor society to a sad and sympathising congregation of

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* Reprinted from a corrected report.

"Friends, Romans, countrymen, and lovers."

The honour and interests of this empire have, "of late years" been gradually dwindling away under the auspices of a Government, which no party, either here or elsewhere, can, I think, presume to characterize as consistent, straightforward, or sincere—a Government which, by the crafty and adroit adjustment of

"Doctrines fashion'd to the varying hour,"

has contrived with all the skill of an experienced exhibitor on the slack rope, to maintain its official equilibrium, but which, if we consider its whole conduct since 1835, must, as far as principle is concerned, be looked upon as immersed chin-deep in a mud-bath of political tergiversation. They tell us, with regard to the Corn-laws, that it is their principle to have a fixed duty; but it is difficult to point out any subject, on which they deem it their duty to have a fixed principle. They only maintain themselves in place by dexterously throwing one inconvenient question open the one day, and another overboard the next. I have frequently stated, both in and out of this House, that I never place any reliance on the professions of her Majesty's Ministers; and I should now be very glad to know who can? Their entire conduct has, in my opinion, tended to lower in public estimation the general character of public men. Although they are the Ministers of the Crown, I deny, that they govern the country, They cannot carry any measure, either in whole or in part, however salutary or indispensable they themselves may declare it to be, if their opponents determine to resist it; they could not successfully withstand any scheme, which they denounce as mischievous or revolutionary, if their antagonists should think proper to abstain from coming down for the purpose of helping them against their friends. But when the noble Lord plumes himself upon the Irish policy pursued "of late years;" a term, by the by, almost as vague and indefinite as the phrase "a certain age," when applied to the ladies, I would reply, that the abandonment of the appropriation clause, or rather the leaving it, like Mahomet's coffin, in a state of suspension, avowing that they can neither rescind it with honour, nor assert it with effect, accompanied by the retention of those offices and emoluments which they recovered by tumultuously insisting upon its adoption, affords a melancholy and unprecedented instance of callousness, of pliancy, and of weakness. The very men who, for the sake of this principle, broke up the administration of

Earl Grey—the very men who, on the same account, dissolved their political connexion with the Earl of Ripon and my noble and right hon. Friends near me—three of the ablest and most virtuous of their colleagues—the very men who, under the same pretext compelled my right hon. Friend, the Member for Tamworth, to resign, and kept Ireland during upwards of three years in a state of turbulence and agitation—at length volunteered to carry through Parliament exactly such a measure as they declared, when in opposition, could neither be just, tranquillising, nor satisfactory. I perceive that some of their factious retainers have often denounced me as a "renegade." According to their code of political morality, the crime seems rather to consist in not sacrificing principle to party, than in preferring pelf to principle. Now, as every public man, however humble, must possess the right, as well as cherish the desire, to vindicate his character from aspersion, I may observe that, from the moment when the appropriation-clause was first asserted, I at once proclaimed myself as firm and uncompromising in my opposition to that measure, as her Majesty's Ministers then declared, that they were sincere and inflexible in their resolution to maintain it. My language on the 5th of August, 1834, when Lord Melbourne's first administration was in office, and when no one dreamt of its impending dismissal, was as follows:—"The wedge, which we are able to introduce. will serve for the accomplishment of that object, which I as strenuously deprecate as the Dissenters imperiously demand,—I mean the severance of the connexion between the Church and the State, or, in other words, the confiscation and embezzlement of all Church-property throughout these realms. His Majesty's Ministers are

"Willing to wound, and yet afraid to strike."

They long to propitiate the Dissenters, and yet are loath to break with the Church. I do believe, that they have many secret misgivings as to the tendency of their present course; and when about to descend the precipitous declivity, they almost involuntarily recoil at the contemplation of the gulf which yawns below. By what means do they expect to arrest the downward course of their own career? Where is the line of demarcation, which is to separate concession from resistance? When are they to say to the Church-destructionists, 'So far shalt thou go, but no further?' I, Sir, at least, shall so express myself as not to be misunderstood. I am certain, that it is equally inconsistent with law, with equity, with justice, and with sound policy, to divert any portion of the ecclesiastical property in Great Britain or Ireland from purposes in the strictest sense ecclesiastical; by which I mean the erection and endowment of places of worship in connexion with the established Church. If, therefore, I am asked at what point we should begin resistance to encroachment, my answer is, commence it now—here let us fight the battle—here let us take our stand. Compliance only serves to engender fresh demands, to stimulate the ardour of our enemies, and to damp the courage of our friends. The opponents of the Church are as insatiable as they are implacable: they think, that they themselves have gained nothing, while the Church has anything to lose." Such, Sir, were my declarations, when this principle was first promulgated; and if the office and emoluments of Home Secretary were tendered for my acceptance, on condition, that I would introduce a tithe-bill, into which the appropriation-clause was inserted, I should spurn the offer with indignation. And now, Sir, what has been the conduct of the noble Lord? I have not made any extract from his speeches in 1834; but so late as in August, 1836, his language was as follows:—"We are prepared to stand on the principle we have professed. We maintained that that principle was essential to a final settlement of the tithe question when we were out of office; and if while we are in office the House of Commons thinks proper to affirm an opposite principle, amounting to a denial of that which we asserted, of course it will be our duty to resign, and to pretend no longer to govern the councils of this country." And yet, Sir, I have lived to find them bespeaking places in the Derby dilly, of which I have the honour to be an original shareholder, and which was only set up in opposition to the appropriation-principle; and I have seen them voting in company with their former colleagues, against their own grand panacea for the evils of Ireland, the withholding of which they declared would be equivalent to the repeal of the Union. The noble Lord once complained, that he was the victim of stratagems and snares on the part of this side of the House; a charge, which we may safely assign to the impartial award of the country. Sir, I assert, on the contrary, that the two great pivots, upon which the whole machinery of Government chiefly turns, are disingenuousness and procrastination. Delays, which the old proverb represents to be dangerous, constitute, as far as her Majesty's Ministers are concerned, the chief sources of permanence and security. The whole country nauseates the very name of "reformed Parliaments," and is loudly complaining of the lamentable and almost laughable inefficiency, with which public business has been transacted in these assemblies. It is with great truth asserted, that we have been more lavish of public money, more indifferent to public opinion, more neglectful of the public interests, than our much-calumniated predecessors; and many an ardent Reformer is compelled to exclaim, in the bitterness of his disappointment,—

> "Obsecro et obtestor, vitæ me redde prior."

The general opinion is, that her Majesty's Ministers do nothing, the Radicals help them, and the Conservatives look on. And why this evasive and temporising policy? Merely in order that the Whigs may continue, until the latest possible moment, at all hazards, and at any price, to enjoy the loaves of place, and to distribute the fishes of patronage. The most superficial acquaintance with the political *carte du pays* must be sufficient to shew, that the Ministers have office, the Conservatives power, and the Radicals neither. Sir, I never was more astonished than when I once heard the Secretary of the Treasury assert, that, in regard to the distribution of patronage, the present advisers of the Crown might safely challenge comparison with any preceding administration. If so, Sir, the public is labouring under an unaccountable and universal hallucination. It is undoubtedly proper that, *cæteris paribus* (or nearly so), and in a reasonable majority of instances, the supporters of Government should have the preference; but never during any period of British history were services and seniority more frequently overlooked, and more shamelessly set at nought, To each and all of the ministerial appointments we may apply what the poet says concerning mercy—

> "It is twice blest;
> It blesseth him that gives and him that takes."

Every place and every honour is bestowed, as a matter of course, to recompense past obsequiousness, or to encourage future servility. Many hon. Members opposite are, in one sense, and in one only, the most vigilant guardians of the public purse that ever existed; they watch with most scrupulous jealousy, lest the minutest drop of the most insignificant streamlet, which flows from the Treasury-spring, should not find its way into the unfathomable abyss of Whig-Radical cupidity. They care not to what extent the measures of her Majesty's Ministers are rejected, mutilated, or abandoned; and the appointment of a Conservative letter-carrier at Brentford, Banff, or Belturbet, would excite more general indignation than the relinquishment of the appropriation-clause. Sir, it was not so in the days of those, who have been falsely denominated the office-monopolising Tories. Their conduct was never mercenary, dishonest, or equivocal. They could "spy desert" in the ranks of their rivals and antagonists. Of this, Sir, I can venture to say, that your own experience affords an honourable illustration. When a high judicial appointment became vacant in Scotland, the Duke of Wellington bestowed it upon you—upon you, Sir, one of the most distinguished and consistent of his political opponents; and you continued for some years to discharge the duties of that office with equal ability and acceptance. On the same principle, we are indebted to the wise discrimination and acknowledged impartiality of my right hon. Friend the Member for Tamworth, for the nomination of some of the most enlightened and conscientious lawyers, who ever graced the judicial bench in Scotland, and who are as well known for their liberal politics, as honoured for their legal acquirements. But, Sir, supposing, that all the judges in Scotland were at once to resign, or to be carried off next week by the cholera, would her Majesty's Ministers venture to tread in the steps of their predecessors? It would, of course, be highly proper that my hon. Friends the Lord-Advocate and Solicitor-general, and other Whig lawyers of equal eminence, should be promoted to the highest offices. But, in the case of twelve gowns having been thus distributed, would the Government think themselves at liberty to give the thirteenth to a Tory? Oh, no! The most eminent and highly-gifted advocate in Scotland would, of course, be passed over, so long as the most ignorant and incapable Whig-Radical remained unpatronised and unprovided for. Her Majesty's Ministers would be sneered and snarled at by all the Liberal journals throughout the kingdom, if it were unhappily to transpire, that, through the chivalrous and misplaced generosity of an incautious *maître d'hôtel*, the bones and fragments of a Cabinet-dinner had been lavished on any half-famished mastiff, which had not, in right of its owner, the privilege of the *entrée* at Brookes's. If the patronage of the crossings in the streets were vested in the Lords of the Treasury, no crooked cripple upon crutches need presume to solicit the appointment, unless armed with a certificate under the sign-manual of Mr. Stuart of the *Courier*, and Mr. Easthope of the *Chronicle*, attesting, that he is Whig-Radical to the very hunch of the back-bone, and prepared to signalise his zeal for freedom at elections by hurling a brickbat at any Conservative interlopers, who presumed, as candidates, to poach upon the metropolitan manor of Radicalism. And here, Sir, I shall notice a subject which is often discussed out of doors, and which seems to perplex many intelligent and unsophisticated observers of passing events. One hears this question propounded at the corner of almost every street, "Pray, how have her Majesty's Ministers so long contrived to make the two ends of the Session meet, and to keep their heads above water? Whether we listen to Radical or to Conservative orators,—whether we read the *Times* or the *True Sun*, the *Standard* or the *Spectator*,—our only difficulty is to determine, by which of these two parties they are most opprobriously upbraided with incapacity and vacillation. Does it not then follow, as a matter of course, that the real supporters of the Government must constitute a minority? Whence does it happen, that no Conservative has proposed a vote for their dismissal, or moved for an inquiry into the state of the nation?" Sir, there are in my opinion two causes, which, when taken together, may account for this anomaly. In the first place, there are boisterous and brawling declaimers against the policy of the present Government, who, if the question were brought to a final issue, would screw up their consciences to vote, that they had confidence in the very administration which they are the foremost to ridicule and the loudest to condemn; and secondly, her Majesty's advisers remain in place, by acting, in reference to parliamentary support, upon the celebrated imperial aphorism with regard to lucre, that

———" bonus est odor ex re
Quâlibet."

"Abuse us, gentlemen, to your heart's content!—don't be upon any ceremony in showing us up!—drench us *ad libitum* (you can't do it *ad nauseam*) with the strongest acid of censure; and don't administer, even in doses of homœopathic minuteness, the neutralising alkali of commendation!—we shall suffer most patiently all your virulence, so long as we can count upon your votes!" This, Sir, was the best defence by which I at all succeeded in parrying the attacks made upon myself and my friends by a respectable elderly Conservative *frondeur*, with whom I lately had the good fortune to find myself *tête-à-tête*, on stepping into a Richmond omnibus, near Hyde-park Corner.

"I wonder, Sir, exclaimed he, in a half angry, half pathetic tone, what all the Conservatives in the House of Commons are about; they seem to me to be sleeping at their posts. The only symptom of vitality they have shewn, was to get up an adjourned debate as to the production of documents, which the Government shewed no disposition to refuse—a sort of abortive attempt to batter down the walls of the Treasury with paper-pellets. There was no use in discussing such a point at all; they should have 'kept their powder dry' until some actual conflict took place, and not have wasted the Congreve-rockets of their eloquence, by firing them into empty space. I begin to think, Sir, that the energy of an opposition is inversely proportioned to its numbers. If I were in the House of Commons, I would never mind being in a minority. I should, of course, always like it to be as large as possible; but, were it ever so small, I should console myself by exclaiming, if the cause were good,

'The fewer men, the greater share of honour.'

It is far more glorious for a powerful and gallant army to suffer a defeat, than seem afraid to hazard an engagement. I day say, Sir, you remember as well as I do, the exploits and the prowess of my eloquent and accomplished friend Croker during the two Reform Bill campaigns. His premature retirement from public life is a public misfortune; he is now become 'the recluse of West Moulsey,' and

> 'Armis Herculis ad postem fixis, latet abditus agro.'

Though never leader of the Opposition, he might well be called

> 'A thunderbolt of war;'

and was, at all events,

> 'Lieutenant-general to the Earl of Mar.'

I used to think, Sir, that he would never let the Whigs get through letter A of schedule A. The rottenest borough had its Thermopylæ. The ground was disputed street by street, where there were any streets, and inch by inch, where there were none. I believe even Petersfield had its barricades and its glorious days. Methinks I see Croker now defending the bridge of Appleby with all the ardour of Horatius Cocles, against a whole battalion of Reformers, and now leading on the *forlorn* hope in a fierce and fruitless onslaught upon Gateshead. How different were such feats as these from the dull drills and pacific parades of modern times! If I could only get access at head-quarters, Sir, I'd put them into a way of bringing the Government upon their marrow-bones before the end of April; and I hope there would be found in the Conservative ranks Gentlemen who would be 'pleased to take their places.' The plan I would follow, and which I think could not fail to succeed, would be this—"

But here, Sir, to my great chagrin, the cad put his head in at the window, and brought our interesting colloquy to an abrupt termination by announcing our arrival at the suspension-bridge, where the gentleman had signified his intention to alight; and although I have since made it a point to travel on the same road by the same conveyance, I have never been so lucky as to fall in with the same acute and facetious fellow-traveller. But, Sir, in order that the real state of parties may be more fully illustrated, more clearly understood, and more generally pondered over by all classes, I shall now, with the leave of the House, proceed to consider the past condition, the present circumstances, and the future prospects of her Majesty's Ministers. On the first of these points I may confidently appeal to all such independent and impartial Gentlemen as were Members of the former Parliament. They cannot fail to recollect, or hesitate to acknowledge, in how galling and degraded a position her Majesty's Ministers were placed—a position, to the ignominy of which they seemed altogether insensible, but which became continually more apparent to the community at large. They constituted a government by sufferance—they lived from hand to mouth, and from day to day: at every Cabinet-council there was a sword suspended over their heads by a hair, through the severance of which a few English or Irish Radicals might at any moment have put an end to their precarious existence: they were compelled to mendicate eleemosynary aid from politicians, whose designs they deprecate, whose opinions they disavow, and to whom they themselves, in their official capacity, are objects of derision and distrust. Did any government ever submit to such an abject alternation of dependence—on the one day cringing to the Radicals, and crouching on the next to the Conservatives; and even sometimes, on the self-same night, requiring successfully the aid of both. If the proceedings of this House had been announced to the public in the same form as dramatic representations, the parliamentary playbill might have run as follows:—"Theatre Royal, St. Stephen's. Her Majesty's Servants will perform on Monday next, under the distinguished patronage of Sir R. Peel, Lord Stanley, and Sir J. Graham, a grand melodrame, entitled 'Conservative Justice to Canada.' On Tuesday, by command, and for the benefit of Mr. O'Connell, the farce of 'Popish-Radical Justice to Ireland.'" The noble Lord often reminded me of a shuttlecock, whisked and whirled across the table without any ceremony, from the one side of the House to the other, the battledores being most adroitly managed by my right hon. Friend the Member for Tamworth, and the then learned Member for Kilkenny. During the last four years her Majesty's Ministers have been frequently, though unconsciously, sitting for their pictures. I am not merely alluding to the inimitable sketches of "H. B.," which combine all the fidelity of the portrait with all the humour of the caricature; or to the *chefs-d'œuvre* of sundry Conservative artists, whose oratorical canvass and brushes, especially at Glasgow, Exeter, Oldham, and Wolverhampton, have been similarly employed. But, Sir, an accurate delineation of the present Cabinet appears to have been selected as an annual subject for prize-competition by the Radical Royal Academy, and has been treated with singular felicity by the Rembrandts and Rubenses, the Lelys and Lawrences, of that establishment; or, in other words, by the Harveys and Humes, the Wakleys and Wards, the Attwoods, Leaders, Molesworths, Duncombes, Hutts, &c.; and it must be admitted by the most fastidious *virtuosos*, that, in their admired compositions, they are much more proverbial for faithfulness, than prone to flattery. I shall select, by way of specimen, a gem from the *studio* of the hon. Member for Finsbury, which some time ago attracted much notice in the Radical exhibition. By the by, I am happy to congratulate him on his triumphant election as coroner for Middlesex. If ever it should become his duty to hold an inquest over the Cabinet, I am sure he would charge the jury to bring in a verdict of *felo de se*, and find, that they have committed suicide, by constant truckling to their enemies, and frequent treachery to their friends:—

> "With respect," said he, "to the Whigs, there were, he admitted, some men among them who had discharged their duty faithfully, and the Radicals were very glad to avail themselves of their assistance on the road towards thorough reform. The moment the Whigs stopped, the Radicals would bid them good by, and proceed on their own account; and he was satisfied they never would stop until they had obtained full justice to the whole empire. The Whigs could not proceed without them; they were bound hand and foot to the Radicals, for they had the huge body of the Conservatives opposed to them, and staring them in the face, ready to demolish them, should such a crisis occur as the defection of the Radical party. But there were also among the Whigs many whom they could not possibly trust—men who were ready at any moment to shrink away into the ranks of the tyrannical, boroughmongering, and bloodthirsty Tories. Ministers undoubtedly had laid some good measures on the table of the House of Commons; but he feared, when these were carried, the Whig stock in trade would be out. In such a case they must expect the Radicals to cut the concern; for the Radicals would never consent to be mere dummies."

This, Sir, I need scarcely say, is an undoubted Wakley, in the most finished style of that eminent master: and if I were to ransack the provincial and metropolitan collections, I might adorn the entire walls of the National Gallery both with groups and individual portraits, as distinguished by the truth of their colouring and the correctness of their outlines, from the pencils of the other most remarkable fellows and popular associates of the genuine Radical school, all demonstrating the degree of estimation and regard, in which her Majesty's Ministers are held, by the very men without whose suffrages, it is admitted on all hands, that they could not exist for a single hour. But, Sir, it may be alleged, they have *tot et tanta negotia* to sustain, and are so entirely engrossed in devising and executing their multifarious and important schemes for carrying out the principles of the Reform Bill, and promoting the national weal, that they have little leisure and less desire to ascertain the opinions expressed in the public prints or at public meetings, respecting their conduct or their principles.

> "Populus me sibilat; at mihi plaudo
> Ipse domi."

I, Sir, stop here, and leave it to the Westminster reviewers to complete the quotation, if they think proper. But, Sir, I ask whether they fared much better within these walls? I ask what Government ever experienced on the part of its supporters so unceremonious and so unceasing an infliction of most cutting and contumelious castigations? Although the three last sessions constituted the period of all others in our whole Parliamentary history, during which there was most said and least done, an act, I believe, did pass, not long ago, under the auspices of her Majesty's Ministers, for the total abolition of a certain barbarous and revolting punishment; and this philanthropic effort can scarcely be wondered at, for they themselves may be said (of course, I only mean in a metaphorical sense) to have stood in the pillory at least once a-week. Never were any delinquents in that pitiable predicament so belaboured and begrimed with dead cats, turnip-tops, oranges, and mud, as her Majesty's Ministers have been overwhelmed by their own partisans with sarcasms, reproaches, expostulations, and invectives. The former learned Member for Bath used to be the most dexterous, as well as the most unsparing, in the use of these offensive missiles. Even my hon. Friend, the late Member for Middlesex, now for Kilkenny,

> "Once Thane of Glammis,
> But now of Cawdor,"

was often so carried away by his involuntary feelings of honest dissatisfaction, that his pattings on the back, by a kind of imperceptible *crescendo* passed gradually into pummellings; and other patriots, then clustering around him, used to discharge, in the thickest vollies, the rotten eggs of their resentment, with so cruel and unerring an aim, at the devoted heads of her Majesty's Ministers,

"That, had not Heaven, for some strong purpose, steeled
The hearts of men, they must perforce have melted,
And *Toryism* itself have pitied them."

And yet, Sir, in despite of all these affronts, and all these outrages—condescending to be

"Every thing by turns, and nothing long,"—

turning their backs upon their supporters the one day, and upon themselves the next; they, a Cabinet of British statesmen—they, who are eulogised by the mercenary hirelings of their press as splendid paragons of magnanimity and disinterestedness—could find it in their hearts to cling to place, notwithstanding the undiminished defiance of their opponents, and the increased defection of their friends. Sir, I venture to affirm, that no other set of public men, whether Radical or Conservative, would have deigned to hold office by so humiliating a tenure. My right hon. Friend, the Member for Tamworth, may, perhaps, and I admit with some justice, complain, when I venture (even after premising my thorough conviction, that it could not, under any circumstances, be realised) to put such a case as this:—supposing that he was surrounded, as Prime Minister, by a steady, but small knot of respectable partisans, being, however, at the same time, flanked on all sides by an equally indispensable phalanx of jealous and carping auxiliaries, who, when they tossed to him their reluctant suffrages, as a kind of *pis-aller*, were in the constant habit of annoying him from day to day with reproaches for alleged, or rather proved, simulation and imposture, by fraternizing with his allies in the use of certain general terms, to which he attached a far different and unacknowledged meaning, and that such reproaches were reiterated out of doors by the zealots of the Liberal party, in a quarterly publication of extensive influence, like the "Westminster Review," and in a weekly journal, conducted with unwonted talent, like the "Spectator;—is any man so cruelly unjust towards my right hon. Friend as to imagine that he would stoop to such a state of unexampled indignity? Sir, I entertain no doubt, that he himself, and all the statesmen, who act with him in both Houses, would, in comparison with the misfortune of thus becoming a byword for the tongue of public scorn, embrace the alternative of the treadmill, as being comparatively a post of honour. Having now, Sir, brought to a conclusion my intended commentary on the condition of her Majesty's Ministers during the first years of their official career, I proceed to ask the noble Lord, in connexion with a brief inquiry into their present, and not, I think, essentially altered circumstances, whether he is prepared to maintain, that the results of the last general election at all increased their strength, or improved their condition? I contend, that, since Parliaments existed, no Government ever endured, on any similar occasion, so incredible, or so unlooked-for, an amount of mortification and discomfiture—a mortification proportioned to the confidence, with which an opposite result was predicted—a discomfiture almost as unparalleled, as the means were unwarrantable, which were every where unsparingly resorted to for the purpose of insuring success. Intimidation, importunity, and official influence, were unblushingly called into play, from Caithness to Cornwall. The name of her Majesty was emblazoned on party flags, and bandied about upon hustings, as if a new firm had been established, under the style and title of "The Queen, O'Connell, Melbourne, Russell, and Co.," and that it was at least anact of constructive high treason not to lodge one's money with that concern, or to question, for one moment, it's solvency or its stability. But, Sir, what was the consequence of all these unconstitutional and desperate devices? Her Majesty's Ministers appear in the face of the country galled by their British defeats, and disgraced by their Irish victories—victories which, if we may credit one-tenth part of the statements circulated in the public prints, were, in many instances, achieved by personation, by perjury, by ruffianism in the face of day, and by priestly anathemas at the altar. I am, however, happily exonerated from the necessity of analysing, on my own responsibility, the general results of the last elections; I shall rather refer the House to an extract, which I now take the liberty to read, from a letter published in November 1837, by the hon. Baronet, the Member for Leeds, whom no one can justly suspect of any favourable leanings towards Toryism:—"The last elections were supposed to take place under circumstances singularly favourable to the popular party: a new reign had commenced; a young Queen was on the throne; her youth and inexperience had excited the sympathy of the people in every quarter; the report was industriously circulated and believed, that her Majesty was imbued with the most liberal notions, and placed the most unbounded confidence in her Ministers. Some even of the highest rank, and supposed to be the most liberal in their principles, and the most independent in their expression of them, endeavoured by this and similar means to influence the fancies and prejudices of the people. In short, to vote against the Ministerial candidates was every where denounced as an act of treason. Yet, notwithstanding all this, notwithstanding all the great influence, which a Ministry can, and always does, exert in a general election, none but the hireling sycophants of a base press, or the feeble-minded persons, who view facts through the distorting medium of their wishes, can deny, that the Liberal party has been defeated; and when the results of this general election are compared with those of the preceding one, then, indeed, is our present defeat a signal one.—With a small majority in their favour in the House of Commons, with a large and determined majority against them in the House of Lords, they were unable to carry any measure of importance, and all their schemes for the good of the people were invariably mutilated and mangled: except, therefore, in the disposal of patronage, the Tories in reality governed the country. The demise of the Crown opened a new prospect; and the friends of the present Ministry indulged in the fondest anticipations as to the ensuing election. They boasted the elections would give them such a majority as would overcome all opposition. What has been the result? The majority in favour of Ministers has diminished to the smallest possible number," &c. No officer, who had served in a defeated army, ever sent home a despatch containing a more honest or strait-forward admission of the magnitude of its losses, and the amount of its misfortunes. Instead of weakening by a single observation the effect, which such a document is calculated to produce, I shall at once investigate the future prospects of her Majesty's Ministers, which are, in my opinion, dependent upon three circumstances—first, the forbearance and docility of the English Radicals; secondly, the nature and extent of the measures, which the cabinet proposes to introduce, in consonance with the views of the Movement party; and, lastly, the length of time, during which the hon. and learned Member for Dublin may deem it his duty, or account it his interest, to fight under the Whig banner of pseudo-radicalism, and tolerate the continuance in office of those, who, as he well knows, are his tenants at will. The Speech from the Throne, which might well be termed a Speech by courtesy, was intended as a feather thrown up into the air, for the purpose of ascertaining how the wind blew. Her Majesty's Ministers well know that they have nothing at present to apprehend from the mighty Æolus of Irish agitation, who blusters like Boreas, when he can do them no harm, and is as gentle as a zephyr, when they are in danger. They have appeased his wrath, and insured his favour, by offering at his shrine a whole hecatomb of Irish appointments. I do not mean to say, that, whenever any office is to be filled up, a letter is written from the Castle, concluding, as well it may, in very common, but singularly appropriate terms, "I remain your obedient humble servant," intimating the vacancy, and placing the nomination at his disposal; but I do maintain, that under the present Irish Government, no measure of a party character can be introduced into Parliament without the hon. and learned Member's *Le Roi le veut;* that no place in Ireland is ever disposed of, unless there be on his part at least a virtual and well-understood *Soit fait comme il est désiré;* whilst, in return for the receipt of a tribute, collected every year from his admirers, he may be considered as saying, *Le Roi remercie ses bons sujets de leur bénévolence, et ainsi le veut.* His compact with the Cabinet appears to be this—"Give me the lion's share of the Irish patronage—and I'll give you an entire *carte blanche* as to principle. Never be alarmed at what I say out of doors; you must allow me a decent latitude of declamation as to universal suffrage, more

Members for the Emerald Isle, blood-stained tithes, repeal of the union, &c.; but these and such-like clap-traps are mere will-o'-the-wisps for dazzling the weak—mere tubs to the whale for occupying the unruly. Justice to Ireland means justice to me—I am Ireland. Justice to Ireland means allowing me (though I want nothing for myself) to nominate, on every opportunity, chief justices and justices for Ireland. Only do as I bid you, and I'll be answerable for the tranquillity of my beloved country; as long as it suits your purposes, and squares with my interests, that the finest peasantry of hereditary bondsmen should be quiet, or at least asserted to be so." But, Sir, her Majesty's Ministers may not find it quite so easy to keep well with the British brigade of their Radical legion; and I would here proceed to observe, that the genus "Radical" may, with great propriety, be sub-divided into two species, which although nearly allied, are easily distinguishable. I would include in the first and least numerous category the straightforward, single-minded independent "out and outers," who say what they mean, and who mean what they say; and, who, without any respect for parties, persons, or places, pursue with disinterested and impartial assiduity the objects, which they deem essential for the greatest happiness of the greatest number. As choice specimens of this class I may particularise Mr. Roebuck in England (the species is not indigenous in Scotland), and Mr. Sharman Crawford in Ireland—gentlemen, from whom I differ upon almost every topic, ecclesiastical or civil, domestic or colonial; but whose frankness and consistency may be justly admitted and admired. The other section comprehends a more wily class of politicians, who seem to have professions of one sort for the hustings, and practice of a different stamp for the House. Leaving their grand nostrums for national regeneration with their cloaks and umbrellas in the waiting room, they march up the steps the ultra-servile adherents of a Government, which they despise. Within the immediate circle of their respective constituencies they adopt a more imposing attitude—there each may be said to

> "Give his noisy senate laws,
> And sit attentive to his own applause."

There each is a kind of Jupiter Tonans—

> "Assumes the god,
> Affects to nod,
> And seems to shake the spheres."

But as soon as he arrives within the precincts of the bills of mortality, he thrusts all his thunder into one pocket, crams all his lightning into the other, and bottling them carefully up, like so much frothy small beer, with abundance of wire and wax upon the cork, preserves them in a cool cellar of obsequiousness, until he shall again be called upon to exhibit as a "well-graced actor" on the provincial boards.

It is, Sir, on the *fiat* of this motly and miscellaneous *omnium gatherum* of politicians, that her Majesty's Advisers must rely for dragging on the dependent career of their humiliation; a single *boná fide* tornado from all the Radical points of the compass would at once rend in pieces the frail and crazy edifice of their tottering administration. And it is no wonder if a few of the Radicals are beginning to lose patience, and to become a little restive. They find, that when a battle is to be fought, or a job to be defended, their attendance is most earnestly and most particularly entreated, with I know not how many imploring dashes under each of these importunate adverbs; but when offices are to be distributed, or measures to be decided on they are invariably kept at arm's length. Her Majesty's Ministers have always maintained an extensive free trade in promises, but have steered very clear of the reciprocity system, in as far as regards fulfilment. Since her Majesty's accession, the noble Lord, having no longer the specious plea of court-hostility to urge as a pretence for delay or disguise, has laid aside even the vain and empty ceremony of profession, giving to one Radical a slap on the face the one day, and throwing another overboard the next; and yet some sanguine enthusiasts still cleave to the "gay deceiver" with fond and unwavering credulity, as the harbinger and the hero of their anticipated millenium. But, Sir, I really believe, that the more sagacious disciples of that sect can scarcely make up their minds to feed any longer on the dry and insipid husks of hope, and are becoming impatiently solicitous to realise something tangible. I remember to have heard of a facetious toll-keeper, who caused to be painted on the highest bar of his turnpike-gates, "Pay me to-day, and I will trust you to-morrow;" but if any simpleton, who had complied with the former injunction on Tuesday night, expected to obtain credit on Wednesday morning, the inexorable *janitor* called his attention to the unvarying inscription, which continued to proclaim as before, "Pay me to-day." Her Majesty's Ministers, after inverting the position of the verbs, act on a principle precisely similar. They have engraved upon their banner the legend, "Trust us to-day, we will pay you to-morrow;" and if the Radicals (good easy men!) at the close—not of a day, or of a month, but of a Session, or even of a Parliament, at length step forward with elongated faces, and say, "Well, Gentlemen, this is all very good, as far as it goes; but pray when are we, or rather when are the people to begin to reap some practical benefit from your professions and from their forbearance?—we think it is high time to be making some arrangements, at least, for an instalment;" the noble Lord coolly points to the unchanging motto on his standard, and still invites, and still expects them to "trust to-day." I scarcely think, however—(although, after all that has passed, I admit that nothing could surprise me)—that such a system of imposition on the one side, and gullibility on the other, can possibly last for ever. It seems to be more than probable, that, ere long, a Committee of Advice, or Convention of Estates, embracing all shades and sections of "true Reformers," must be convened at the Home Office divan. The noble Lord will, in due form, and at the proper hour, ascend the table, having in his pocket eight letters, announcing that two English bishops, two Scotch judges, two Irish commissioners with 2,000*l.* a-year each, one governor of an important colony, and an admiral commanding a lucrative station, have all paid the debt of nature, and have thus enabled her Majesty's Ministers *pro tanto* to liquidate their arrears of gratitude towards a corresponding number of the most needy and noisy of their thick-and-thin, whole-hog-going partisans. The noble Lord, concealing his regret at these accumulated national bereavements under the veil of a decent composure, may address his heterogeneous auditors somewhat to the following effect:

"Gentlemen,—I have thought it right to assemble you on this eventful emergency, in order to enforce the necessity of perseverance and co-operation in our unanimous and disinterested exertions for keeping the selfish and despotic Tories out of place. [*Hear.*] I need scarcely recapitulate the grave and complicated delinquencies, which render them altogether unworthy to enjoy the confidence of a free and enlightened community, attached to liberal institutions. [*Hear, hear.*] The Tories are against extending the suffrage—[*hear, hear*]—the Tories are opposed to the Ballot—[*hear, hear*]—the Tories will not consent to abridge the duration of Parliaments—[*hear, hear*]—the Tories are for treating our Canadian fellow-subjects with rigour—the Tories supported Algerine acts for suspending the liberties of Ireland—the Tories are in favour of an enormous civil list—[*hear, hear*]—the Tories will not agree to the immediate and unconditional abolition of church-rates—[*hear, hear*]—the Tories are for upholding blood-stained tithes; have sanctioned a tithe-bill without an appropriation-clause, and declaim against the voluntary principle; contend for the finality of the Reform Bill, refuse more Members to the Emerald Isle, and denounce, as treasonable, the very proposition of repealing the Act of Union. [*Hear, hear.*] And on these grounds, Gentlemen, the people of this country must necessarily feel resolved not to tolerate their domination."

This speech, or any other, which the noble Lord may think proper to deliver, will of course be received by the so-called Whig portion of his hearers with loud demonstrations of acquiescence and respect; but as soon as the peroration is concluded, some stern and sturdy Radical will exclaim, from the other end of the room, with stentorian voice, "My Lord John Russell." The Whigs will, doubtless, start with astonishment, and shudder with dismay, at this unwelcome apparition, as if they had seen Banquo's ghost; but our democratic Demosthenes, nothing daunted, will advance to the centre of the room, and express himself somewhat to the following effect:—

"I have listened, as I always do, with profound attention to your Lordship's most impressive and important admonitions. You have certainly adduced very cogent grounds why we Radicals should strain every nerve to keep the Tories out of office—[*hear, hear*]; but there is another point of equal interest, upon which, in the hurry of the moment, your Lordship has omitted to touch, namely, the reasons why we should be anxious for keeping in the Whigs. [*Oh! oh!*] My Lord, I am, as is well known, not much given to mincing matters, or beating about the bush, and shall therefore, without ceremony, at once come to the point. We Radicals are, in a political sense, become older birds than we once were, and are more shy then formerly of being caught with chaff; or, to use a still more apposite metaphor, while the Whig grass is growing, the Radical mare is starving. We see, that your Lordship and your colleagues are as determined to impose a self-denying ordinance upon us, as to exclude the Tories from power; and that—for fear, perhaps, of offending her Majesty—you abominate our measures, and disclaim our doctrines, with much more vehemence and antipathy than theirs. In order, therefore, that there may be 'no mistake,' and no possibility of misunderstanding, I shall bring the sincerity and squeezability of her Majesty's Ministers to the test, by taking the liberty to address two questions to your Lordship, which, I am persuaded, you will answer with your wonted explicitness. ["Oh! oh!" and "Question, question," from the Whig portion of the assembly.] I am glad, Sir, (resumes the imperturbable orator), to hear some Gentlemen crying so loudly for the question. I am obliged to them for shewing how impatient they are, that my question should be put [*oh! oh!*], and I can assure them, that their wish shall be gratified without one moment's hesitation or delay—[*oh! oh!*]—(Mr. Edward Ellice rises to order)—I really must put it to the good sense and good taste of the hon. Gentleman himself, whether, at such a crisis as this [*hear, hear*], when the interests of the great cause of Reform are at stake—[*hear, hear*]—when all minor differences should, at least, be suspended, if not merged in oblivion—[*hear, hear*]—and when nothing but unanimity on our parts can avert the triumph of the common enemy—[*hear, hear*]—he will deem it either prudent or proper to obtrude injudicious queries upon my noble Friend, which, though perhaps seasonable under ordinary circumstances, might now prove embarrassing and inconvenient. [*Hear.*] My Lord (resumes the querist), I entertain an unfeigned respect for my right hon. Friend, the Member for Coventry; but I have a character to support [*oh! oh!*], and constituents to whom I am accountable [*oh! oh!*]; and although it grieves me to act in opposition to what seems to be the general sense of the meeting, I must insist upon persevering in my questions; for I never should have attended here this day, if there had been any understanding or expectation, that I should act the part of a dummy. [*Oh! oh!*] I therefore beg leave, with all deference, to ask the noble Lord, whether he has been led to re-consider the opinion which he (perhaps somewhat hastily) expresssed on the first night of the session—and is prepared to concede the removal of those glaring defects in the principles and working of the Reform Bill, which experience has discovered, and of which the whole of the Liberal party is now so loudly complaining, wherever they cannot carry every thing their own way under the provisions of the present act? [*Order, order; hear, hear.*]"

The noble Lord, with rueful and lackadaisical solemnity, will then screw out the following reply:—

"In answer to the question of the hon. Gentleman, I must confess, that I have not yet seen any cause to recede from my declaration, that as far as the principles of the Reform Bill are concerned, I, as its author, am bound to regard it as a final measure." "My Lord, I have heard with unaffected sorrow your very ill-starred, but most candid avowal—a sorrow, which will doubtless find an echo in the breast of every sincere Reformer throughout the empire. The noble Lord has, as usual, stolen a leaf out of Sir R. Peel's book, and is trying to force down the throats of the Liberals a bolus, which would be swallowed by a gathering of the Tory clans with simultaneous avidity. I own, that I am quite in the dark as to the precise grounds, on which this most impolitic determination can rest. Your Lordship reminds me of my friend Snip, the tailor, who promised, when my old coat was worn out, that the new one, with which he undertook to supply me, should fit exactly; but when he brought it home, after getting it up in a great hurry, it proved to be too wide at the waist and too narrow at the sleeves. When I pointed out these palpable defects, instead of consenting to make the necessary alterations, he flew into a passion, and exclaimed, 'Sir, when I engaged in this job, I fairly told you, that mine was 'a final measure.' You must make shift as best you can: if your coat is too wide here, remember, that it is too narrow there; and the one must compensate for the other.' But, my Lord, I hope I shall be favoured with a more satisfactory reply to my second interrogatory. I can assure your Lordship, that we Radicals should be but too happy to lay hold of any plank, however rotten, or to find out any plea, however flimsy, for continuing to adhere to the Government, which we have not the slightest wish either to abandon or to embarrass. We shall, therefore, be glad to be informed, what are the measures of a decidedly popular character by the introduction and carrying through of which her Majesty's Ministers may insure our support, and retrieve the confidence of the people?" ["*Order, order; hear, hear.*"]

[The noble Lord, after a short pause, and in the midst of a dead silence, will here pull out his watch, and express his unaffected astonishment and sincere regret at finding, that it is now a quarter past three o'clock, and that, having been summoned to attend a meeting of the Cabinet at Lord Morpeth's at three, he must postpone answering this very comprehensive and important question, until some future, and, he hopes, not distant opportunity. Such, Sir, will, in all probability, be the somewhat abrupt termination of this important meeting, which, without any necessity for reading the Riot Act, will then very quietly disperse, to the infinite relief both of the Ministers and of the Whigs; and the

Globe and *Courier* will triumphantly announce, in a second edition, on the self-same evening, to the Liberal public, that nothing could have been more harmonious, or more encouraging, than the whole tenour of its proceedings. But what will the Radicals say to all this? I believe, that most of them will soon recover their equanimity; their disappointment, though fierce in its commencement, is never formidable in its duration—

"Priscus amor redit,
Diductosque jugo cogit aheneo."

The very man, who, if jostled by a Tory, would call him out, will allow a Whig to knock him down, and thank him into the bargain. A short and hot attack of resentment is soon followed by a long and cold fit of resignation, more especially if the meeting fortunately takes place on a Saturday, on which day the magnates of the Mountain will, I presume, again congregate about half past seven, around the well-replenished board of my hon. Friend, the Cornish Amphitryon, and drown all recollection of national grievances and ministerial delinquencies in "oblivious antidotes" of Johannisberg and Champagne. But, Sir, it cannot be denied, that the future prospects of the Cabinet, as far as permanence is concerned, must, in the second place, be in some degree contingent upon the nature of the measures which they intend to support or to introduce. If they do not bring forward or countenance some Radical, or *semi*-Radical, or *quasi*-Radical schemes—in short, if they do not achieve something, which their Conservative antagonists could not attempt, how can their Radical bottle-holders keep up their heads, or look their constituents in the face? And, Sir, it may be worth while to consider, what these propositions are likely to be. The English Church-rate question, if alive at all, seems to be in a state of hibernation —consigned to the tender mercies of a lingering committee, which will probably spin out its labours during the greater part of the Session. The principle, on which they came into office, has been abandoned, although I once heard a supporter of Government very justly remark, "If we are Gentlemen, we must stand or fall by the appropriation-clause." The Irish Municipal Reform Bill, which must be pared down elsewhere in all its provisions so as to suit the Conservative views, will, I dare say, constitute, to use the expressive phraseology of the Member for Finsbury, the whole of the Whig "stock in trade" for all time coming. But if they do intend to satisfy the Radicals, another element of hostility comes into play; and I should like to know how her Majesty's Ministers intend to deal with the overwhelming, insurmountable majority, opposed to them in the House of Lords? And here, Sir, I cannot but congratulate that august assembly upon the glorious triumph, which they have achieved. The Ministers and all their adherents have passed under the Caudine forks; they have struck their colours, and grounded their arms, without stipulating even for the benefit of a capitulation, or being allowed the honours of war. I am persuaded, that the Ministerial opposition to the Ballot arises chiefly from a dread of demonstrating in a fresh instance their complete and irremediable subjection to the House of Lords. Who can believe, that they deem a measure to be so dangerous, so immoral, and so unconstitutional, which formed a part of their original Reform Bill? They know, that if they supported the Ballot in this House, it must inevitably be carried; that then another collision might take place between the two Houses of Parliament; and that the Cabinet would be placed in the painful and awkward alternative of resigning their places, or succumbing to defeat. Has the country forgotten all the vauntings and all the menaces, with which the Peers were assailed in this House, and still more loudly by the press, as long as any hope could be cherished, that their courage could be made to flinch, and their resistance be overcome? I shall refresh Gentlemen's memories, and read, by way of a specimen of these obsolete attempts at intimidation, a part of an ukase on that subject, given, if I mistake not, from our palace at Derrynane about two years ago. By the by, what a pity it is that my public-spirited friend, Mr. Murray, of Albemarle Street, does not favour the world with an O'Connell Annual, so as to embody in a less ephemeral form certain elegant extracts from the epistles and speeches of so eminent a public character! For want of such a popular Anthology and useful *Vade Mecum*, I shall now have the greater pleasure in submitting this quotation to the House, because it will prove what, perhaps, may excite pleasure in some quarters, and surprise in all—that her Majesty's Ministers and their adherents, and even the hon. Member for Dublin himself, are neither more nor less, neither better nor worse, than arrant downright Tories! "The Lords have scandalously—insultingly—I will add, because it is true, basely, violated their pledge, and broken their contract." He then calls on the British people to insist, "in a voice too distinct to be misunderstood, and too loud to be neglected," upon an organic change in that Assembly.

"We cannot, and we will not, submit to the execrable tyranny and insulting injustice of the Lords, without using every effort to obtain the complete reform of that Assembly. This reform of the Lords is the only one political necessity. That House, in its present state, is the great obstacle to the good Government of Ireland; in fact, it is, in its present state, an invincible obstacle to good Government. To this, then, should every well-wisher to Ireland tend. To this reform of the House of Lords the attention of every real and sincere Reformer should now be turned. There may be some calling themselves Reformers, but who are Tories in their hearts; and there may be others who designedly play the part of Tories; and both these classes may seek, therefore, to turn the attention of the friends of freedom to other topics from the one thing necessary—*i. e.*, the reform of the House of Lords. There is but one remedy—break up the legion, reform the House of Lords. Till this is done, British liberty is but a mockery and a name. Irish oppression and misery are immovable; and we Irish have but this alternative left—reform of the House of Lords, or Repeal of the Union."

Such, Sir, was the language of the hon. and learned Member but two or three short years ago. How altered has his tone been since! It is very true, that he once mustered enough of resolution to insert in the red book on your table a proposition for reforming the House of Lords. But, Sir, notices and motions do not always stand towards each other in the relation of cause and effect. Grandiloquent orators, at the commencement of every Session, appear to be in an advanced stage of political pregnancy, which, after sundry abortive throes, and a protracted period of laborious uterogestation, at length terminates in a convenient miscarriage. But now, Sir, the very attempt to coerce the freedom, or change the constitution, of the House of Lords has been utterly abandoned, as not only hopeless, but unpopular; and the question still remains to be answered, how do her Majesty's Ministers intend to deal with the supremacy of the House of Peers? The *argumentum ad metum* has utterly and for ever failed; and I think, that no expedient now remains for the noble Lord to try, but the *argumentum ad misericordiam*. I advise him to march up, on some early day, to the bar of the House of Lords, attended by all his colleagues and partisans, and address them nearly to the following effect:—

"'Most potent, grave, right rev. seniors,
My very worthy and approved good masters,'
I am afraid, that we can do little with you, and I admit, that we can do nothing without you—
'Nec possum tecum vivere, nec sine te:'
but oh! be generous as you are great—be considerate, as you are invincible. Pray don't be too hard upon us—don't push us into a corner—don't pin us against the wall. Although appearances are sometimes rather against us, we entertain the highest respect for your Lordships, both collectively and individually; we are intent upon requiting good for evil; and in return for the provoking pertinacity, with which you reject or mutilate all our measures, we intend to maintain all your privileges inviolate, and allow the amplest limits to your discretion. Pray don't confound us with the Radicals,—though I may observe, *en passant*, with respect to them, that their bark is worse than their bite. How marked is the difference, both in style and sentiment, between the encyclical letters to their constituents, which they fulminate during the recess, and the raw-head-and-bloody-bones orations which they spout after dinner at the Goose and Gridiron, or the Goat in Boots, when contrasted with the cautious milk-and-water shilly-shalliness, which characterises all their speeches, when they stand up in the House of Commons to maintain that black is white, for the purpose of keeping us in place! Now and then, to be sure, a raking fire is opened upon your Lordships from some of the batteries of Fort Ultra behind us, and we then feel just as if our own lives were placed in jeopardy by the explosion of every shell. We move heaven and earth to keep the Radicals in order; and it must be admitted, that, in general, we are tolerably successful; but there are now and then some self-willed, obstreperous customers among them, who insist upon breaking out in spite of us; and we all sit on thorns, and scarcely know which way to look, when they try to scald your Lordships with the vitriol of their wrath, in the shape of coarse and truculent invectives. Oh, my Lords, if you could only witness, when any of them rise to speak, the dumb-show deprecations by which we endeavour to persuade them to sit down; and when they are so cruel as to persevere, we tremble all over, like a nervous invalid, who

has just pulled the string on Christmas-day, and cowers under the chilling anticipation of a drenching shock from a shower-bath. You might see us writhing and wincing under the infliction of their eloquence. Sir W. Gossett, Mr. Clementson, Mr. Lee, and Mr. Rickman, if examined at your Lordships' bar, could all attest, *uná voce*, that instead of encouraging any one of them by a faint or solitary cheer, we sit crest-fallen, tongue-tied, conscience-struck, and aghast! Oh, my Lords, how fervently must your benevolent feelings have sympathised with the awkwardness of our predicament! During the last four years, how often have we been compelled to re-solve one of the most ticklish problems in the whole algebra of politics—that of determining the ever-varying relation between two unknown quantities—x representing the amount of concession, which we can make without alarming the Sovereign; and y the *quantum* of resistance, which we can offer, without incurring the forfeiture of Radical support! How uncomfortably have we floated on the sea of perplexity! how miserably have we floundered in the slough of despond! how ruefully have we hung out the blue lights of distress, and looked across the Table at the Conservative benches with a wistful and anxious eye, as if saying to the right hon. Baronet the Member for Tamworth,

> 'Help me, Titinius, or I sink!'

O send a Conservative life-boat to our aid! Well may we term Sir R. Peel our right hon. 'Friend:'—he is often so indeed, for he is always so in need; and, without his most seasonable succour, the Radicals, if we had fought them single-handed, must long ago have driven us out of the field. What a mercy it would be, if, through your Lordships' kind mediation, we could shake off the yoke of our much more dreaded than desired confederates, and amalgamate our troops in the Conservatives ranks! Only insure to us nine-tenths of the places, and a similar proportion of the patronage, and we are quite prepared to strike the bargain. How gladly should we all take our names out of the Reform Club, and be put up as candidates at the Carlton, proposed by Sir C. Wetherell, and seconded by Mr. Bonham! Why cannot your Lordships meet us one-tenth part of the way? We don't even ask you to sanction any enactment which, by possibility, can save our credit by bearing the name of an appropriation-clause; and as to the Municipal Reform Bill, if you will be pleased to pass it in any shape,

> 'We're all submission; what you'd have it, make it.'

The only *sine quâ non*, for which we should wish to stipulate, is, that you leave a mayor for Clonakilty. The popular patriots of Ireland seem to think, that the very apparition of such a functionary will do more for their country, than any system of Poor-laws, which wisdom can devise, or which benevolence can adopt. The sight of his mace may perhaps prove effectual to scare away the gaunt spectre of crime, poverty, and wretchedness, which now stalks abroad with impunity throughout the length and breadth of the land."

Sir, I think the noble Lord will find it as difficult to cajole, as it was impossible to intimidate, the House of Peers, who doubtless sympathise in the indignation, which every true philanthropist must experience, when, in the midst of the soul-harrowing privations, endured by the population of the sister island, we are gravely told, that Church Spoliation Acts and Municipal Reform Bills are the main ingredients of "justice to Ireland!" If you were to introduce universal suffrage in all the municipal bodies throughout Ireland, there would be neither one assassination less, nor one conviction more. The only result would be, a general feeling of exasperation and disappointment. Methinks I see some half-starved and overworked peasant returning at dusk to his unfurnished cabin, and carrying home, by way of consolation, to his children in a state of nudity, and to a wife emaciated by inanition and disease—what?—a loaf of bread?—no; a bowl of milk?—no; but a copy of the Municipal Reform Bill in the one hand, and in the other an appropriation clause. I know not, Sir, by what legerdemain either act can be transmuted into nourishment; but I would advise the poor peasant to make the best of his bargain: for whether he obtains "the whole bill" or not, it appears to be quite certain, that he will get "nothing but the bill;" he must use it as Boniface did his ale—he must eat it, and drink it, and sleep upon it. And this, forsooth, is justice to Ireland! Oh, Sir, was ever any hallowed appellation so prostituted and so profaned? Were ever any dupes so misled and mystified as our unhappy Irish countrymen! The chief temple of that justice, whom they are called upon ignorantly to worship, stands erected on the loftiest eminence in the well-known district of Blarney—a temple, which contains not the Parian marble statue of the genuine goddess, but a coarse plaster-of-Paris cast, all gorgeously bedaubed with gilding, which the uninitiated spectator in his simplicity mistakes for solid gold. Her eyes and ears are most aptly enveloped in a bandage, to denote that she condescends not to look upon the sufferings, or listen to the complaints of her deluded and dying votaries; the scales, which she holds in her hand, are as empty, as her professions of sympathy and her promises of relief; they are intended for any purposes under Heaven, but that of weighing out flour and potatoes, to provide for the necessities of the millions, who are perishing with hunger, whilst her portly and pampered hierophants have luxuries enough and to spare. In speaking of a strenuous opposition to a Poor-bill for relieving Irish indigence, and of a pertinacious struggle in behalf of a Municipal Reform Bill for encouraging Irish agitation, I am naturally led to think of the hon. and learned Member for Dublin, the necessity of whose patronage for insuring the stability of the Government constitutes the third element in their future prospects. We read of a popular champion in former times, who insisted upon being viceroy over the king; but the hon. and learned Member is installed as king over the viceroy. It is worth while to notice how completely he is at variance with her Majesty's Government as to the two leading principles, which he has proclaimed as his motives for honouring them with his confidence, although they assert, in an assembly, of which he is not a member, that they withhold theirs from him. The first is, that the system, on which they act, is altogether different from that of Earl Grey, with whom they themselves claim a perfect identity. In this respect, however, he is quite right. The dissimilarity is apparent to the whole world; and this consideration, whilst it justifies him *pro tanto* in supporting the present Cabinet, exonerates altogether from the vulgar charge of apostacy my noble Friend the Member for South Lancashire, my right hon. Friend the Member for Pembroke, my hon. Friend the Member for North Wiltshire, who occupies so prominent a place in the veneration of his countrymen, and others who, like myself, supported Earl Grey to the very last. The other ground, Sir, is, that, if we may credit the exoteric manifestoes of the learned Member, the Irish measures of her Majesty's Ministers are mere stepping-stones and instalments; whereas the Premier himself most solemnly assures the country, that they constitute the *ne plus ultra* of concession. Be that, however, as it may, it cannot be denied, that the Ministers owe everything to the hon. Member for Dublin; and that, without his generous and timely intervention, they could neither have emerged from obscurity, nor continued to exist for a single day. What was their situation at the commencement of 1835? They were, if I may borrow a verse from Dr. Johnson—

> "Condemned to hope's delusive mine;"

or I should perhaps be nearer the mark, if I were to allege, that they resembled a gang of workmen, who, in the midst of their subterraneous excavations, have been suddenly enveloped in fire-damp. In this trying emergency, the conduct of the learned Liberator, formerly of Ireland, and then of the Ministry, was prompt, energetic, and magnanimous. He did not stand with a malicious chuckle of triumph at the edge of the yawning abyss, and say to his hon. Friend the Member for Tipperary, "Well, Sheil, there they are, and there let them remain; it is just what I expected, and exactly what they deserve. I told them what would result from their own folly, in refusing to listen to your advice and mine; help them who will, I at least shall wash my hands of them for ever, and leave them to their fate. Let the Tories, for once, have a fair trial; I am sure they can't do less for Ireland than the Whigs." Instead of giving vent to such reflections, he at once threw into the waters of Lethe all the base, brutal, and bloody addresses,—all the Algerine coercion acts,—all the outrages and insults, by the frequent enumeration of which he had succeeded in persuading others, though not in convincing himself, that the Whigs were worse enemies to Ireland than the Tories, —all the acrimonious personalities and hostile denunciations, of which he had been alternately the author and the object; and after suffering a rope to be fastened under his arms, was lowered by the Members for Middlesex and Bridport into the pestiferous pit, and brought out successively on his shoulders each of the ex-Ministers, in a state bordering on asphyxia, and laid him gently on the Treasury-bench; where, being restored to the

> "Warm precincts of the *quarter*-day,"

and fanned by the soft empyreal breezes, which blow without intermission between the limits of the official tropics, they soon recovered their pristine state of briskness and vitality. Sir, it is but fair to add, that the whole *posse comitatus* of the Radical yeomanry volunteered their services at that critical period; and so great were the zeal and alacrity manifested by all the officers, non-commissioned officers, and privates, that they were fully entitled to silver medals from the Humane Society for their unremitting and successful exertions. Whether all or any of them were honoured with this well-merited badge of distinction, I shall not pretend to say; but of this I am quite certain, that, to a great majority of their number, no other recompense has ever been awarded. As far as the Whig Cabinet is concerned, scarcely one of them has ever received a single office, or carried a single measure. Does any one imagine, that the Whigs could have exercised a similar forbearance, if, after the overthrow of the Tory Government, his late Majesty had thought proper to form a Radical Administration? Would they, after taking their full share in the perils and difficulties of the conflict, have allowed their allies to claim all the honours and all the advantages, and have remained for four years empty-handed and unrewarded? No; there neither is, nor ever could have been exhibited, such a selfish ingratitude on the one hand, and such a disinterested infatuation on the other. The only similar instance of unthankfulness, which I can at present call to mind, occurred in the French metropolis, just before the breaking out of the first Revolution. There flourished at that time in Paris a celebrated milliner, who, by dint of unwearied industry, acknowledged taste, and unimpeached integrity, had contrived to secure the patronage of the Court, and almost to monopolise the favour of the great. Her success was gall and wormwood to Madame Thimberigg, whose shop was situate on the opposite side of the street, and who, being conscious of her own inferiority, betook herself to a third party engaged in the same business, and said, "You must be quite aware, that neither of us will be able, if single-handed, to crush our hated competitor; but if we only lay our heads and club our purses together, I think it by no means improbable, that we may succeed in accomplishing her ruin." The proposal was assented to, the agreement concluded, and, in the course of a few months, by dint of smuggling, slander, and every species of chicanery, they achieved their nefarious object; their rival's name appeared in the *Gazette*, and they purchased all her effects for an old song. But, Sir, what was the result of this victory? A fair division of the spoil? Oh, no, quite the reverse. That partner in the scheme who had contributed the smallest share, both of skill and capital, to the undertaking, immediately installed herself in the spacious premises, laid claim to the whole stock in hand, left her astonished and mortified confederate to take possession of a cold unfurnished tenement immediately contiguous, and even had the effrontery to paste up in the corner pane of her shop windows, "No connexion with the next door." Sir, I contend that, *mutatis mutandis*, this is precisely a case in point. It is on the very same principle, that the Radicals are cajoled and complimented, when their aid is required, but cast off without scruple or ceremony, when it suits the convenience of her Majesty's Ministers. Is there any talk of concession to the Canadians? no connexion with Mr. Leader—introduction of vote by ballot? no connexion with Mr. Grote—household suffrage? no connexion with Mr. Hume—short Parliaments? no connexion with Mr. Williams—revising an enormous civil list? no connexion with Mr. Harvey—amending the principles of the Reform Bill? no connexion with Mr. Duncombe. Sir, I fear, that I have fatigued the House by the length of these observations; in submitting which, however, I have only discharged a duty which I felt that I owed to my consituents and to my country. I have endeavoured faithfully to portray the character, the position, and the prospects of a Government, well described by the most distinguished of our Statesmen (Sir R. Peel) as weak and inefficient; by the most intrepid of our patriots (Sir F. Burdett) as weak and vacillating; but, perhaps, best characterised by a right hon. Friend of mine (Sir J. Graham), whose return to this House the admirers of British institutions hailed last year with so much satisfaction, who, in one of the most effective speeches ever delivered in a public assembly, first denounced them as a shabby Government. Never was any definition more apposite, or more just, or more speedily sanctioned by universal adoption. They have not gained the confidence of the gentlemen around me by occasionally hoisting anti-Radical colours. The remembrance of their factious and unfair opposition, when my right hon. Friend was in power, as well as the disgust inspired by the daily exhibition of trimming subserviency since their own return to place, have for ever deprived them of all title to Conservative respect. On the other hand, whilst they are every day sinking lower in the estimation even of their staunchest and most zealous partisans, they see the thermometer, which indicates their majority, descending gradually to zero. Within the genial meridian of Devonshire, it has lately fallen two degrees; and I question much whether, in the course of next winter, a very severe Frost may not sensibly affect it even at Stroud. The journals in the pay of the Treasury have often taunted me with a sentiment, which I had the honour to express, when attending last year a Conservative festival at Huddersfield. They were quite correct in asserting, that I intimated an intention to move a vote of want of confidence in the Government, if no more competent champion could be found willing to undertake that office. In an earlier part of these remarks, I have already stated the grounds, which rendered it unadvisable or useless, that such a proposition should then have been brought forward, more especially as other trials of strength originated from other quarters in the course of the Session, which sufficiently tested the independence of this House, or, in other words, demonstrated its servility, by proving, that the magniloquent menaces of the Bobadils and Bombardinians, arrayed on the opposite benches, are only shifts and sham-fights for throwing dust into the eyes of their deceived and credulous constituents. But supposing I were now to word a proposition in the following terms, as soon as the motions before the House are disposed of:—"That her Majesty's Ministers do not possess the confidence of this House, or of the country,"—would the most enthusiastic of their supporters be bold enough to move the omission of the words, "do not," so that, if his amendment were carried, the main question might so stand as to try the proposition affirmatively as well as negatively? I am quite persuaded, that not one of them is sufficiently chivalrous to bring the matter to such an issue. On the whole, it seems to be just possible, that they may linger on for a short time, as they have "of late years," blundering to-day, and blustering to-morrow—bullying the Radicals the one night, and bowing before them the next; abandoning every thing except their places; tripping up the heels of a colleague at a moment's warning, when it suits their purpose to get rid of him; and clinging to a pre-eminence ill acquired and worse maintained,—until expelled by the universal indignation of a people, whose fondest hopes they have disappointed, whose common sense they have insulted, and whose dearest interests they have betrayed.

Mr. *Ingham* wished to lead back the attention of the House from the entertaining speech of the hon. Baronet who had just sat down to the question which they had been discussing for so many days. Many Members on both sides of the House had, during that discussion, given reasons for their different votes, and he begged to say, that with very many of those arguments, on both sides, he found it impossible to concur. He did not think himself of sufficient importance in that House to enter deeply into its deliberations, and should, therefore, confine himself to the consideration of the resolution of the noble Lord in its literal and express terms. In that resolution he did not read any thing like censure of the House of Lords; he could not see in it any thing like a general support of the Government or approbation of its measures. He thought it necessary to say this, because there had been some measures of the Government now, happily, abandoned which he could not possibly have supported. He alluded particularly to their measure for the appropriation of the revenues of the Irish Church, a measure he could never agree to. But the present resolution of Ministers demanded no approval of the legislative acts of Ministers; it merely asked an expression of the opinion of that House as to the way in which the existing laws had been of late years administered in Ireland. It was his firm belief, that those laws had been administered in a way calculated to benefit the great proportion of the population of that country—and, approving as he did of that policy, he considered he should be promoting its continuance by future statesmen by supporting the resolution now before tne House. The principal part of Lord Normanby's Irish Government which had been objected to was his practice of extending patronage, and bestowing high judicial and other offices on gentlemen of the Roman Catholic persuasion. That practice he considered most just in itself and most happy in its consequences for the people of Ireland. For what had, in former years, been the great grievance of the Irish? It was their dissatisfaction at the manner in which, and the person by whom, the laws were administered—a dissatisfaction which he felt sure arose, in a great degree, from ignorance, as it was his impression that any Gentleman who had the honour of sitting on the bench would divest himself of prejudice, and administer justice to the best of his ability. But it was not only necessary that the laws should be fairly administered—the people should also have confidence in the Administration. Although a Roman Catholic coming before a Protestant Judge might be sure to receive justice, still it was impossible to disabuse his mind of some tinge of jealousy of the tribunal. For these reasons he thought, that the disposal of judicial office to Roman Catholics a most beneficial practice, as he felt confident, that the Roman Catholic offender would feel the sentence of the law with tenfold force when pronounced by a person of his own communion. The other objections advanced against Lord Normanby's Government principally regarded his liberation of prisoners. He did not pretend to say but, that in some cases, the noble Marquess might have liberated without sufficiently careful consideration, but in every instance of which complaint had been made during the course of the present debate, he thought a complete refutation had been made out for the Irish Government. He passed through one of the large towns in Ireland from the gaol of which Lord Normanby at the time liberated many prisoners. He found, that in none of those cases had the noble Lord pardoned without the most minute investigation, and for the most satisfactory reasons. In the suppression of faction fights, the great bane of Irish society, the noble Marquess had been peculiarly successful; his course had been to bring an overwhelming force to the spot where the fight was expected, and thus effectually to prevent it. Seeing, then, so much to approve of in the conduct of Lord Normanby, he felt himself bound, however painful it might be to separate from the Friends with whom he usually acted, to vote on the present occasion for the resolution of the noble Lord.

Mr. *Hobhouse* thought, that the present debate must be extremely gratifying to Government and its supporters, as, during its course, Members usually opposed to them were found giving them cordial support. The hon. Member who had just sat down had come forward with manliness and independence that did him infinite honour. He could not say the same for the hon. Baronet who preceded him, for if ever there was a melancholy exhibition, if ever there was a spectacle calculated to throw discredit on that House, if ever there was a mixing up of buffoonery with one of the most important questions that could agitate a country, if ever there was shown a diseased imagination, combined with a deficient judgment, it was in the speech of the hon. Baronet, the Member for Caithness. The hon. Baronet complained of the protracted debate, but to his astonishment, the hon. Baronet himself occupied the House for a very long period of time with words not worth hearing, and arguments entirely destitute of foundation. The hon. Baronet called the hon. and learned Member for Dublin the Socrates of the Corn Exchange, and said that himself had been, and was still, according to the Whig writers, a renegade. The hon. Baronet would never be called the Socrates of renegades. Some parts of the hon. Baronet's speech had surprised him exceedingly; amongst the rest, that he could venture to speak of intimidation during the late elections. He wondered how the the hon. Baronet dared to charge Government with the exercise of undue influence, seeing that undue influence, bribery, and intimidation had been exercised to such an enormous extent by Gentlemen on the hon. Baronet's side of the House. He represented a town in which Government influence was supposed to exist to a great extent He begged to tell the hon. Baronet, that of all the voters in that town supposed to be under Government influence, only twenty-two had voted for him and his colleague, and thirty-six for the Conservative candidate. What a trumpery charge, then, was this! He should like to know what fact the hon. Baronet could bring forward in support of his allegation. He would not waste the time of the House any longer—he would not waste the time of the House by following the speech of the hon. Baronet, because, by doing so, he should be merely crushing a butterfly on the wheel, One observation only he would make to his Friends around him. It was, that the hon. Baronet, although sitting on the Conservative side of the House, was one of the best of Reformers, and he took upon himself to say, that if they often had such exhibitions, such speeches uttered, such witticisms without point, such alliteration and antithesis, instead of sound arguments and correct statements of facts, they would not be long without triennial parliaments and vote by ballot. If they had in that House 658 Members such as the hon. Baronet, the country would not be long apathetic on the subject of reform. He was anxious now to state the ground on which he gave his sincere and cordial support to the resolution of the noble Lord. Sometimes a man might give a reluctant vote to advance the interests of his party; but he could assure the House, that he never gave a vote in which his heart went so entirely as the one which he was about to give on the present occasion. He believed that a great many of the evils of Ireland arose from misgovernment, but not from the misgovernment of the Marquess of Normanby. He held in his hand returns which proved a gradual diminution of crime during the noble Marquess's government. The hon. Member referred to the returns which have already been frequently quoted in the debate. Another act of the Marquess of Normanby deserving approbation was, his putting down the Orange lodges, institutions which had a baneful influence on the liberty of the subject. The miserable state of Ireland was not attributable to the present Government, but its causes might be traced to the oppressive manner in which the Irish people had been treated, ever since England obtained dominion over them, down to the accession to office of the present Administration. This policy had been pursued by the Tories towards Ireland throughout the whole period of her history, except during the French and the American war, when concessions were made to fear, and not to justice. So far back as during the existence of the Irish Parliament, that assembly, acting under English influence, countenanced every attempt to oppress the Roman Catholic part of the population. He held in his hand a petition to the Irish Parliament presented by one Scraggs, complaining that one Darby Ryan, a Papist, exercised the calling of a coal porter, to the injury of the said Scraggs. This complaint, ludicrous as it might seem, was entertained by the House, and referred to the committee of grievances. It had been a charge made against Lord Normanby, that Catholic and Protestant children were mingled together in schools. This, so far from being a fault, was, in his opinion, much to Lord Normanby's credit, as, by thus teaching children of different denominations in the same seminaries, they would be brought up in those feelings of brotherly love and kindness which it was so desirous to see prevail in Ireland. He was aware that this system had commenced under Lord Grey's government, but he claimed credit for Lord Normanby, that he had most efficiently conducted and carried it out. By the returns which had been made, it appeared that education was making great progress in Ireland. A return of the number of schools in Ireland showed a total of 1,384 schools, and 169,548 children, receiving education. There were besides 195 schools now building, and an expected attendance of 21,000 male, and 16,530 female scholars. [*Cries of "Question."*) He was speaking to the question. He understood the question as well as hon. Gentlemen opposite. The question of education in Ireland was quite germane to the question of the executive administration of Lord Normanby there. He would not be put down, he knew the intolerance of hon. Gentlemen opposite. He had experienced their repeated interruptions when addressing the House on a late occasion, and he told them he would not be put down by their interruptions, or by their ironical cheers. Whether he regarded the state of crime in Ireland, the administration of justice there, the progress of education, or the employment of patronage, he felt fully justified in agreeing to the vote of confidence in Ministers, for he thought, in the emphatic language of the noble Lord who spoke last night, that they deserved well of the country. Government were perfectly justified in the step they had taken, whether they were to stand or fall. The right hon. Baronet, the Member for Pembroke, in his speech of last night, when endeavouring to answer, for it was but an endeavour to answer, the speech of the right hon Gentleman the Chancellor of the Exchequer, said, that he could understand the meaning of the noble Lord's motion if the Government could by any means contrive to survive till the end of the Session. But supposing that the Government did not last till the end of the Session, there would then be the greater reason for bringing forward this resolution, in order to leave it as a legacy to succeeding Governments. If they could leave this motion on the records of the House, he would defy the right hon. Baronet, the Member for Tamworth, to carry on the Government without calling a new Parliament. He must rely on his bigotted friends near him for support, or he must not. If he did not, he would be guilty of great misconduct towards them, and if he did, the country would be disgusted.

Mr. *Leader*: Before offering to the House the observations with which I mean to trouble them, I must make one remark on the commencement of the speech of the hon. Gentleman who had just sat down. I think the only excuse for the ill-judged attack which he has made on the very clever speech of the hon. Baronet is the excess of fraternal affection which leads him to resent almost as a personal insult the expression of charges against a Cabinet in which his brother holds a place. Though the debate has hitherto turned on the narrow ground of the Irish policy of Ministers, and on the still narrower question of the Administration of Lord Normanby, I am quite certain, that when the Government gets the small majority which they will be sure to have when we come to a vote, they will take credit for having obtained a general vote of confidence. However they may disclaim the intention, I am sure, that this impression will be circulated by them. Now, I am anxious, that that impression should be confined to the Ministers and their organs, and that it should not be sanctioned in this House by the tacit votes on this occasion of those who disagree with them in their general conduct. If they fancy that the majority which they will have in their favour on this vote proves a confidence in their Administration, let me ask, from what party that confidence proceeds? Can they pretend to the confidence of the great party opposite? I know, that on many occasions they have the support of that party; but scarcely a debate takes place in which the right hon. Baronet who leads that powerful party, or some one of those who belong to it, does not express, in very intelligible terms, the dissatisfaction which he feels with the Government, and the contempt in which he holds them. Yes, the contempt in which I think he deservedly holds them. Can the Government pretend to the confidence of the Radicals in this House? Though they have the support of the Radicals against the Conservatives on this question, yet all progressive reforms are put a stop to, because, with regard to them, the Radicals are opposed by the Government. The only party then in the House, to whose support the Government can lay any claim, and the only party which has any confidence in them, is the Irish party—a powerful party I admit, deserving of respect and grave consideration. But, let me ask, has the Government the confidence even of that party as to their legislative measures, as well as with respect to the administration of the executive by Lord Normanby? Why, if the Irish Members have confidence in the legislative measures of the Government, what becomes of the outcry about the appropriation clause? We have been told, that no tithe bill can be acceptable to the Irish people without that clause. What reliance, then, can that people place on a Ministry which has abandoned that principle. Again, if the Irish Members repose confidence in the Ministry, what is the meaning of the Precursor Society. Upon what foundation is that association established except this—that the Ministry have not gone far enough in their legislative measures? The only confidence, then, which any party places in this Government arises from the Irish Members, merely with regard to the administration of the executive in Ireland. There is, to be sure, a small party which supports them in this House, formerly called pure Whigs, but a body at present nearly defunct. And why are these Gentlemen amongst their adherents? Why, because they either enjoy the benefits of the patronage which the Government has it in its power to bestow, or they hope to become officials. But let me ask what class—what great interest in the country has confidence in the Government? Has the landed aristocracy? No, in spite of the attempt on the part of some Members of the Government to curry favour with them, by declaring in opposition to those who claimed an abolition of the Corn-laws, that the landed interest should be maintained in its predominant position, they know well enough they have no ground to hope for support in that quarter. Have the electors of the country confidence in the Government? Let the recent elections in North Devon, Carlow, and the bare majority at Wigan answer that question. Let me ask, whether the great and intelligent manufacturing interest have confidence in the Ministry? How is it possible that they should trust a Ministry, the chief of which pronounced the men who called for a repeal of the Corn-laws to be "lunatics." [*No! no!*] I repeat, Lord Melbourne did so call them, or used language to that effect. Have the working classes any confidence in the Government? Oh, so far from it, that there is not a single town in the kingdom where a public meeting may be held at which any Minister or supporter of the Ministry would be tolerated if he attempted to defend the general policy of the Government. It is only necessary for me to refer to the recent public meeting at Edinburgh—a city represented by two of the most distinguished Members of the Whig party—a city in which the Whigs were formerly omnipotent, where the people could not actually be persuaded by this party not to vote that the Government was no longer deserving of the confidence of the country. When we find, then, that the Government is abandoned by the country, and by all parties in the House, with the single exception of the Irish, which is favourable to their Irish Administration, how, it may be naturally inquired, do they continue to exist? Because the hon. Gentlemen opposite, are not yet ready for office. Because, perhaps, they do not like the aspect of the political horizon; or, because, for some other reasons, best known to themselves, they don't wish to exercise the power which they unquestionably possess; and lastly, because the Radicals have not yet made up their minds to join in a vote which would restore them to the ministerial benches. What a miserable position for a Government to be in. The noble Secretary for Ireland declared last night, that the Government was determined to exist no longer "on sufferance." I say, they have remained in power these two years on sufferance. I say more, that they exist this moment by the sufferance of ten or twelve men; and that if ten or twelve of those sitting on this side were to join the hon. Gentlemen opposite, they would cease to be a Government. I say, moreover, that if a general vote of want of confidence were proposed, more than ten or twelve on this side would support that vote against the Government. In what position then is the Government placed? Why, the right hon. Member for Tamworth governs England. The hon. and learned Member for Dublin, governs Ireland. The Whigs govern nothing but Downing-street. The right hon. Member for Tamworth, is contented with power without place or patronage, and the Whigs are contented with place and patronage without power. Let any honourable man say, which is the more honourable position. Well and amply have the Ministers deserved the general dissatisfaction throughout the country, for they have deserted every one of the principles for which the people elevated them to office, and for which they maintained them there. On the ballot, on the extentension of the suffrage, on the small improvement of abolishing the rate-paying clauses—on every question of reform, which the country had a right to expect, they joined the Conservatives against the people. Besides, they have not only abandoned the principles and professions of faith, for which the people trusted them, and gave them power, but they have not been true to their own immediate friends and colleagues. They have lost character with the country—in the first place, by the manner in which they deserted the Earl of Durham last year, after having placed him in a most difficult and perilous position, and in the next place, by the sort of juggle or intrigue in the cabinet itself (for such it is described to be, by means of which, in an unceremonious, and unexampled manner, they have lately contrived to dismiss one of their colleagues; that very one of their colleagues, too, who when my hon. Friend the Member for Leeds brought forward a motion impugning his conduct, they declared to be one of the best and ablest of the administration—one by whom they were determined to stand, or, if a vote were given against him, to go with him. I maintain, then, that by this proceeding they have lost character with the country. But, above all that, they have completely abandoned the people, and become to all intents and purposes as Conservative as the hon. Gentlemen opposite. Now, that being the case, I entirely concur in the opinion of the hon. Member for London, that if we are to have a Government conducted on Tory principles, those in authority should be responsible. I say it would be infinitely better if the hon. Gentlemen opposite—who really govern the country —were sitting on the Treasury benches, and responsible for their Acts, than to be dictating to their servants, the Whigs in office, what shall be done. Now, this being my opinion as to the amount of confidence which the Ministers ought to have, and as I confess I am anxious to show by my vote as by my words, that I have no confidence whatever in the Government, it is necessary, that I should say a word or two in justification of the vote which I mean to give this evening. The question before us is nothing more or less than this—whether Lord Normanby should be censured for the manner in which he has administered the Government of Ireland or not. Now, if I were called on to give a vote of confidence as to their manner of legislating for Ireland, I could not do so; but in this instance I am called on to give my vote as to Lord Normanby's administration, and I confess I cannot bring myself to vote a censure of it. I admit this with sincere sorrow, for I am as anxious as any hon. Gentleman opposite to declare by my vote, that I have no confidence in the Government. But when I consider, that the vote of the other House is a censure on Lord Normanby'sadministration and that theamendment of the right hon. Member for Tamworth does not put a different construction upon it, when I observe, that the great majority of the Irish people look upon the appointment of the Committee of the House of Lords as a vote of censure on a Lord-lieutenant deservedly popular amongst them, and when I find, that such a course would be construed by that people as an act of hostility, or at least of indifference to their feelings, I cannot bring myself to support the amendment. On this occasion I sacrifice my views and opinionsof the Government to the views and opinions of the people of Ireland; and I give my vote with the Government, but not for them, as it is solely in favour of Lord Normanby's administration of Irish affairs.

Mr. Sergeant *Jackson* said, the hon. Member for South Shields was greatly mistaken in supposing, that in the exercise of the prerogative of mercy by Lord Normanby, only persons convicted of minor crimes had been discharged. Such was by no means the case, and before he sat down he should have occasion to show that the contrary was the fact. But, before he proceeded to the consideration of the manner in which the prerogative of mercy had been exercised, he wished to say a few words in reference to what had fallen from the hon. Gentleman, the Solicitor-general for Ireland, on a former evening, in regard to Justice Perrin. The hon. Gentleman had given the House to understand that Mr. Justice Perrin had been denied that promotion to which it was contended he was entitled, by a Conservative administration. Now, no man could have a higher regard for the great abilities of that learned judge than he had, and he had ever spoken of him with the highest respect, They had been fellow-students; they had practised at the bar together, and they had always lived on terms of friendship; but he must say, that the hon. Gentleman opposite, the Solicitor-general for Ireland, was greatly mistaken in supposing that a Conservative administration had placed Mr. Justice Perrin "under the ban of a political proscription." Mr. Justice Perrin had been called to the bar in the same year as he himself had been called, and they had received their silk gowns on the same day, and on what ground, then, could it be said that that learned individual had been placed under the ban of a political proscription by a Conservative Government? The truth, indeed, was, that during the administration of the right hon. Baronet, the Member for Tamworth, a rule had been for the first time established, that the office of King's Sergeant in Ireland should not depend on political considerations but upon professional merit, and that in bestowing that office no distinction should be made of a party character. That rule was first laid down by the right hon. Baronet the Member for Tamworth, and he must therefore say, that in selecting the case of Justice Perrin as an instance of political proscription, the hon. and learned Gentleman opposite had taken most inauspicious ground. Then there was the case of Baron Pennefather, than whom there was not in any country a more able or upright judge; and he would ask whether there was, in his case, any political proscription? But indeed, the statement of the hon. and learned Gentleman was totally without foundation in fact. He now came to the consideration of some of the statements made by the noble Lord, the Secretary for Ireland, in the very able and eloquent speech which he had last night delivered. The noble Lord had fallen into the same mistake as the hon. Member for South Shields, for the noble Lord seemed to think that it was only in trifling cases of crime that Lord Normanby had exercised the prerogative of mercy during the tour his Excellency had made through Ireland in the year 1836. The noble Lord had also said, that the manner in which the prerogative of mercy had been exercised had proved highly beneficial, and he had instanced the county of Sligo in support of that statement. Now he contended that the proceedings of Lord Normanby in the discharge of prisoners was most unprecedented, most injurious, and most unconstitutional; and for the truth of that assertion he would appeal to the official returns which had been laid before the House. The noble Lord had brought forward no case in support of his position, but that of the county of Sligo, and when the noble Lord's attention was called to the county of Westmeath, he had said, that he would return to that county when he had disposed of Sligo. But the noble Lord had forgotten his promise, and during the whole of his speech he had made no allusion to the manner in which the prerogative of mercy had been exercised in Westmeath. He should therefore call the noble Lord's attention for a few moments to Westmeath, and a few other counties. He was unwilling to trespass upon the time of the House, but he trusted he should be permitted to offer a few observations relative to the deliveries of the late Lord-lieutenant of Ireland. In so doing, he hoped the noble Lord, the Secretary for Ireland, and the noble Lord, the Secretary for the Home Department, would give their attention for a few moments, as he was perfectly satisfied that those noble Lords were not aware of the injurious effects of the proceedings of Lord Normanby in discharging prisoners from the gaols of Ireland. He would first take the case of the county of Tipperary. In one day in the county of Tipperary the late Lord-lieutenant of Ireland had discharged from the gaol of Clonmel fifty-seven criminals, and upon, in fact, a mere oral order sent from the town of Waterford. Amongst those discharged from the gaol of Clonmel, there was a person of the name of Adams, who had been confined for a serious breach of the peace, and was detained for want of bail. That person was discharged, and without bail. There was also another person detained for bail, and also discharged. Another person had been convicted of the serious crime of perjury, and sentenced to seven years transportation, and to that person mercy had also been extended. Another individual had been convicted of a serious assault, and had also been discharged from confinement. Such were the cases which had been termed instances of minor offences. He would now call the attention of the House to the letter which had been written from Waterford to the governor of the gaol of Clonmel by the Lord-lieutenant, and which had been the authority for the discharge of those fifty-seven prisoners. His excellency, in his visit to the gaol of Clonmel, had been attended by the gaoler and turnkeys. Such were the persons he had made his companions, and upon whose recommendations he had acted. On leaving Clonmel his excellency proceeded to Waterford, and from that place he had written a letter to the governor of the gaol of Clonmel, of which he held in his hand a copy. It was as follows:—

"Waterford, August 9, 1836.

"The list appears larger than I had expected, from the recommendations to which I repeatedly attended during my visit to Clonmel gaol; but of course (with the exception of four) all the other cases were brought before me by the local authorities, and if it can be accurately ascertained whether all the names were taken down at the time by my desire they shall all be included. If so, they must all, in pursuance of my instructions, be discharged; but it might be inconvenient that so large a number should leave the gaol together, and on the same day, therefore I should wish Mr. Bell to call them before him each day by ten or fifteen, either in the order of the expiration of their sentences, or from some other reason, rendering their discharge first expedient, and then repeat to them carefully the special grounds of my clemency, which I myself stated their exemplary conduct, as reported, in confinement, the improved state of the neighbourhood, and the strong promises that they would lead new lives in future—for the gradual discharge of all those addressed thus by me this shall be sufficient authority; and when the revised list of names is sent to the Castle, I have desired that the order in regular form shall be sent down."

(Signed) MULGRAVE.

"To the Governor of the Gaol of Clonmel."

Such was the authority on which those fifty-seven prisoners had been discharged. It was dated on the 9th of August, and on the 10th, 11th, and 12th, the whole had been released from confinement. In February, 1837, the noble Lord, the Secretary for the Home Department, in introducing the Municipal Corporations Bill, had taken that opportunity of attacking a meeting which had been held in Dublin, in reference to the state of the country and to the conduct of the Government. In reply to that attack, he had stated the reasons why the gentlemen of Dublin had assembled on that occasion, and, amongst other things, he had informed the noble Lord that the meeting had taken place in consequence of the wholesale gaol delivery to which he had been alluding. On that occasion he had also moved for a return of the number of persons discharged by the Lord-lieutenant, specifying the crimes for which they had been convicted, and the nature and extent of their punishment. On that return being ordered, the noble Lord opposite (Lord Morpeth) had caused a letter to be addressed to the different inspectors of gaols in Ireland, and to that letter he would now call the attention of the House. It was dated, the 10th March, 1837, and was as follows:—

> "Sir, In reference to the cases of the several prisoners submitted to the Lord-lieutenant, upon his late inspection of the gaol of Clonmel, and recommended by you as subjects of his Excellency's clemency, I am instructed to request you will, upon consultation with the governor of the gaol, recal to his Excellency's recollection such particulars respecting the prisoners discharge, either of good character previous to, or good conduct during the confinement, or of the state of their health, as induced you to distinguish them as peculiarly deserving the favourable consideration of his Excellency. You will be so good as to afford the fullest information, and make such observations as you consider necessary, specifying whether any and what representations had been made in their favour by the local magistrates or gentlemen of the county, or any other mitigating circumstances in behalf of the prisoners who were discharged by his Excellency.
>
> "As this information is required to complete an order to Parliament, I am to request you will lose no time in furnishing it.
>
> "I am, Sir, yours,
> "T. Drummond.
>
> "To the local inspector or governor of the gaol of Clonmel."

Now, if the House would observe the date of the order, and the date of the letter, they would see that the letter had not been written in consequence of the orders of the House, that it had, in fact, been written for a different purpose — namely, to enable the Government to defend themselves from attacks which had been previously made. But what was the answer which had been returned from Clonmel relative to the discharge of prisoners at that place? It was as follows:—

> "Clonmel, March 11, 1837.
>
> "Sir, In reply to your letter received this morning, I have to inform you that Mr. Bell, the chaplain of the county gaol, who acted for me during my absence, recommended one female for discharge, she having undergone her sentence, but could not obtain the bail required of her; fifty-five were recommended as being well conducted while in gaol by the governor, master of the works, and first turnkey, to the houses of correction, and one female by his Excellency, the Lord-lieutenant himself, which makes the whole number discharged from this gaol on his Excellency's visit to it last summer. There was no recommendation of any magistrate.
>
> "I remain, Sir, yours very obediently,
> "Walter Giles, Local Inspector.
>
> "To T. Drummond, Esq, Castle."

So that this Gentleman told them that he had not recommended one person, and that the whole fifty-seven prisoners, with two exceptions, had been released on the recommendation of the gaoler and the governor of the gaol, and without reference to any magistrate or judge. It was also stated, that the only ground for their discharge had been their good conduct in gaol, and no attention had been given to the crimes of which they had been convicted, or to their previous character. He would next allude to his own country, and he had taken great pains to ascertain the actual facts relative to the discharge of prisoners from Cork. The Lord-lieutenant went to the prison there, attended by the sheriff, the Protestant clergyman, the Roman Catholic clergyman, and by the jailor and turnkeys. He asked how such a prisoner had behaved himself in gaol, and for what offence he had been committed, and then proceeded to another, in regard to whom the like inquiries were made; and in that manner the list was made out of the prisoners to be discharged. The third name on that list was that of a woman who had been convicted of larceny, and sentenced to twelve months' confinement, with hard labour, and since her discharge she had been again convicted, and now she was known as "Lord Mulgrave's man." The fourth person on the list was another lady, also convicted of larceny, and who since her discharge had also been several times in gaol. There was another lady convicted of embezzlement; and, in short, such characters, to the number of seven, had been discharged merely upon the recommendation of the gaoler. From the gaol of Leitrim twenty-seven persons had been discharged on the 23d August, and upon no better grounds. When he looked at the return from Longford he found that the first person dismissed by an oral order was William Kernagh, who had been convicted of an aggravated assault. He would not go further into these matters. He felt very sensible, that after a lengthened debate of this kind the patience of the House must be considerably exhausted, but at the same time he felt it to be his duty to press these statements on the attention of the House, and he begged to say, that they were not trifles. Ireland was now in a most dreadful state. That dreadful state was attributed to the course pursued by the Executive Government of Ireland, and hon. Gentlemen on the other side of the House, even if they did not believe the accusation to be well-founded, ought at least to listen to the arguments and facts which were advanced in support of the charge, and refute them if they could. In Longford he found that eleven persons had been discharged by an oral order, those persons having committed offences which were very likely to occur again. The noble Lord during his tour of popularity had liberated 284 persons, and out of these 110 by his oral orders. [The hon. and learned Gentleman proceeded to read a statement of the sentences of the several prisoners and other statistics, but, owing to the constant interruptions which took place, they could not be heard.] He would trouble the House with a word or two on other matters. The noble Lord had not dealt quite candidly with the House in dating the returns from November, 1837, because the charges made against Lord Normanby applied to 1836 mainly. The noble Lord, with his usual candour, also had accused Lord Oxmantown of inconsistency, with having stated in 1834 what was contradictory to that which he had stated in 1829 of the conduct of the people of Ireland. What the noble Lord had stated was, that two or three years before the people of Ireland had got into habits which had since become inveterate, and if the noble Lord had added to 1829 the other years it would have brought up the date to 1832, and have shown that there was no inconsistency in his statements. [The hon. and learned Member's speech was in a great measure lost, owing to the noise and confusion in the House.]

Mr. *Sheil:* In one opinion expressed by the learned Member for Bandon I entirely concur. It would be difficult, indeed, to dissent from him, when he declared his speech to be "no joke." That speech may be distinguished by ability; but, among its multifarious merits, we should look for originality in vain. I will not say that it was, so far as its topics were concerned, "tedious as a twice-told tale;" but I may venture, without any departure from good breeding, to say, that its principal materials were of a nature to insure, among the Gentlemen behind him, untired applause for the untiring reiteration of the same charges in nearly the same form of phrase. It is fortunate for the learned Gentleman that he may indulge in such repetitions without the hazard of incurring any expression of weariness from his admirers—"*decies repetita placebunt.*" I pass from the learned Gentleman to the speech of my hon. Friend, the Member for Finsbury, who announced, at the opening of this evening's discussion, that he intended to move an additional amendment connected with the extension of Parliamentary reform. I shall content myself with making two observations on the course which he, and some Gentlemen who act with him, are disposed to take. Let me be permitted to advise them to take care lest they fall into the very signal error which was committed by the Tories in 1830. By the effects of that mistake they are still pursued, for their reconciliation, however strenuous the professions of its sincerity, is not yet complete. Let me be allowed, in the second place, to remark, that when the Member for Finsbury and his associates condemn the conduct of the present Ministers, with the exception of the policy pursued by them in reference to Ireland, they make a very large exception indeed. That exception includes a great segment of the empire—one third of the population of these islands—a country whose Government has been attended with almost incalculable difficulties—which, to preceding Administrations, has been the constant occasion of embarrassment, and has shaken Cabinet after Cabinet to their foundations—which, as it has already exercised a great influence over the councils of England, is likely to exercise an influence at least as great over her future fortunes; which, after having occupied the attention of the Legislature for many years, is, at this moment, of an importance so paramount, as to exclude all other subjects from our thoughts, and to engross the solicitude of every man who takes the slightest concern in the events by which the destinies of this great nation are to be determined. When, therefore, it is observed, that the Whigs deserve no praise except for the government of Ireland,—unconsciously, perhaps, but most certainly, the highest encomium is passed upon the present Administration, and a merit is admitted to belong to them, by which a multitude of errors, in the eyes of true Reformers, should be covered. But I turn to the amendment proposed by the Member for Tamworth. Between that exceedingly temperate amendment, and the declamation by which it has been sustained, there is a good deal of contrast. I do not advert to the speech of the right hon. Gentleman by whom it has been moved. That was a truly previous question speech (the amendment is the "previous question" in a periphrase): it was a speech of a precursor character, in the better sense of that significant expression. But what a discrepancy was exhibited between it and the effusions by which it was succeeded! The right hon. Baronet, who can command their votes, ought to put some check on the insubordinate spirit by which the eloquence of his followers is occasionally distinguished. He ought to silence that piece of Sligo ordnance, which is formidable in its recoil. The recorder for Dublin, himself, exhibits in his oratory some want of discipline. The right hon. Baronet however, may rely on the votes of the learned Gentleman, and the other forensic statesmen with whom he is associated. But there is a class of staunch old Tories, at whose support of the previous question I shall be surprised. I allude to the forty Gentlemen, who, upon the second reading of the Irish Corporation Bill, rose against the Member for Tamworth in a conscientious mutiny, and disclaiming the control of that distinguished person, voted in direct opposition to the pledges given by him and the Duke of Wellington upon that momentous question. Will they, will the men who made themselves so conspicuous by their impracticable honesty, upon an occasion so remarkable and so recent, forego all the praise which they so lately earned from the Orangemen of Ireland, and support an amendment which, instead of negativing the original motion, eludes the question really at issue between us, and upon which the Government have called for the opinion of the House of Commons? I do not think that the Ministers could with propriety have taken any other course. Look at the facts. The amendment commences by referring to a most important one, from which an irresistible argument in favour of the original motion may be deduced. The Recorder for Dublin moved for a return of certain papers connected with the commission of crime in Ireland. He did not venture to move for an inquiry. Why, if an inquiry is, as is alleged, of absolute necessity, was it not demanded in the House of Commons? Why do the Tories move for papers in one House, and for a Committee in the other? The Recorder for Dublin did not dare to make a motion by which the sense of the House of Commons should be taken: he thought it far more prudent to get up a debate, made up of unsupported asseverations against the Irish Government, and with this view, speeches, infinite in length, and infinitesimal in detail, were delivered by himself and the hon. and learned Member for Bandon, who with their auxiliaries failed, however, in imparting any interest to a motion, which was to terminate without a division; many hours were expended in discussions perfectly useless, until some Gentleman had compassion on the Speaker, and, in the midst of the performance of what I may designate by an expression of Swift's, "a Newgate Pastoral," interrupted the proceeding, by taking notice that there were not forty Members present, and then counted out the House. Thus lamely and impotently concluded this grand performance in the House of Commons. Not so in the House of Lords. There Lord Roden moves for censure in the guise of inquiry, for who can doubt that inquiry to be equivalent to censure, which originates with my Lord Roden, and which is to be conducted by Dr. Philpotts,—which has its source in the mercy of his gracious Majesty the King of Hanover, and to the direction of which the inquisitorial genius of the meek and apostolic pontiff, who keeps a small Vatican at Exeter, is to be applied? The character of the parties by whom the motion for a Committee was brought forward and supported, and the constitution of the Committee itself, ought to set at rest all doubt as to its objects and effect; but if any doubt could be entertained upon the subject, the limitation of the inquiry to the four years, during which Lord Normanby was Chief Governor of Ireland, must at once remove it. Why are the Lords' Committee to confine their investigation to the last four years? Last night, the Member for Pembroke told us, that an inquiry was, for many reasons, to be desired; and among others, he informed us, that he conceived that we should consider how it came to pass, that spade husbandry had succeeded in Belgium, and had not succeeded in Ireland. On these grounds he, somewhat fantastically, justifies an inquiry into crime in the House of Lords since 1835. How miserable are the subterfuges by which Gentlemen endeavour to escape from the effect of that specific limitation to the extent of the inquiry which was defined and marked out with so much care in Lord Roden's motion? The right hon. Member for Tamworth cited several examples of inquiry to prove, that inquiry did not imply condemnation; but did he show an instance of one founded on charges against a Minister, and limited to the period during which that Minister was in office? Suppose that, after he left Ireland in 1818, a Member of the House of Commons had stated all the atrocities that were perpetrated when he was secretary to the Lord-lieutenant—had described the system pursued for many years by a Government unequivocally Tory — had expatiated upon the exclusion of all Catholics from the places to which they were admissible — upon the mode in which justice was administered—upon the construction of the jury, under Mr. Saurin's auspices, on Sheridan's trial, and other details of a kindred character, and had then moved for an inquiry into the state of crime since the year 1812 (when his Government commenced),—would the right hon. Baronet have called it a mere inquiry, and designated it, as he now designates that proceeding in the other House of Parliament? But it has been said, there will be a collision with the House of Lords if the original motion is carried; we have been referred to a precedent so far back as the year 1703; and the right hon. Baronet read a passage from Burnet, which I admit was most effective. —[Lord *Stanley:* Hear, hear, hear!]— The noble Lord (Lord Stanley) cries "Hear, hear!" Does the noble Lord, who cries "Hear, hear!" when I say that the passage from Burnet was most effective, forget the transaction to which he was himself a party in 1833? The object of Lord Roden's motion is the inculpation of Lord Normanby; just as, in 1833, the object of the Duke of Wellington was the inculpation of the Whig Secretary for Foreign Affairs, when he moved for an Address, praying, that the Crown would enforce our neutrality with Portugal. What did the Whig Cabinet do? It called for a counter vote from this House, and the Ministers acknowledged that a collision with the Lords was implied. Why did not the Member for Tamworth touch on that proceeding? Was it because he remembered how the Cabinet was composed? or did he leave it to the noble Lord opposite, and the right hon. Baronet, to explain the matter as well as the swamping of the House of Lords agreed to by the Cabinet of 1831? But the noble Lord the Member for Stroud did not rely on the precedent as emphatically as he might have done: perhaps he wished to spare the feelings of the Member for Lancashire, his noble and exceedingly inveterate Friend. I perceive that the noble Lord the Member for Lancashire and the Member for Pembroke are exchanging looks and whispers across the Member for Tamworth, who is placed between them, and seem not to recollect the fact to which I am alluding. With the pleasures, of which memory is the source, I shall feel very great gratification in supplying them. On the 3rd of June, 1833, the Duke of Wellington moved and carried an Address, praying the Crown to enforce neutrality with Portugal. On the 6th of June, a motion was made in this House, declaratory of confidence in his Majesty's Ministers in respect to their foreign policy. The Government called on this House for a counter vote, and acknowledged, that a collision with the Lords was implied in the proceeding, to the adoption of which they had invited the House of Commons. All that has been said in reference to collision in this debate was insisted upon with as much strenuousness as is now employed in deprecating a collision with the other House of Parliament. The motion was carried by a very large majority, and was supported by every Member of the Cabinet in the House of Commons. Who were the Members of the Cabinet in 1833? I was, I own, not a little surprised when I saw the noble Lord, the Member for North Lancashire, immediately before the debate commenced, advance to the Table with some solemnity of deportment, and heard him read with good emphasis, but, by no means, good discretion, a petition from Rochdale, touching the evils of collision with the House of Lords. The noble Lord was himself a Member of the Cabinet, when, in 1833, this House, at the instance of the Government, pronounced a virtual condemnation of the proceeding suggested by the Duke of Wellington, and adopted by the other House of Parliament. To the censure of one House the confidence of the other was opposed. But I ought not, perhaps, to dwell on this instance of inconsistency on the part of the noble Lord, when I recollect a fact far more important, which was revealed by the Secretary of the Home Department, who ought to write a history of the Grey Administration. The disclosure is calculated to throw a strong light upon the character of some of the leading public men in this country. Few could have conjectured that such a measure could have been seriously contemplated, when we consider the language now habitually employed by them in reference to the House of Lords. What! the whole Cabinet, in 1831, with one exception, agreed to swamp (that was the phrase) — yes, to swamp the House of Lords. I like the word "swamp." It is nautical. You laugh, because it is associated with Greenwich; you ought to laugh because it is connected with the Admiralty, and revives all the recollections of a celebrated image, derived by one of the right hon. Swampers opposite, from the sinking of the Royal George. Having disposed of the argument grounded on the evils which, it is alleged, are likely to result from a collision between the two Houses of Parliament, I come to the consideration of the substantial merits of the proposition made by the noble Member for Stroud, in which we are called upon to express our distinct approval of the policy upon which Lord Normanby's Government was carried on. How should that question be discussed? How will history hereafter treat it? When the time for impartial adjudication shall have arrived, and the historian shall revert to the events on which we are now about to pronounce a judgment, from which our own feelings, interests, and passions, cannot be wholly excluded, what are the chief incidents in Lord Normanby's Administration, on which the sentence of those by whom we shall be succeeded will be founded? I do not think that, in the opinion expressed by the many Gentlemen upon the other side of the House, history still concur; I am convinced that history will not dwell on the topics which they have selected, for the purpose of vituperative expatiation. Will history—will "the philosophy which teaches by example" consider it to be consistent with the dignity or the usefulness of its lofty purpose to descend to the minute particulars of elaborate investigation, into which the antagonists of my Lord Normanby have not thought it unworthy to enter? The appointment of constables of police, the entrance by a back door effected by the Lord-lieutenant into the Court-house at Sligo, the adventures of Tom Gallagher, or of Nora Creina,—on which the learned Sergeant, who spoke last, has dwelt so pathetically,—will not be deemed fitting matter for commemoration, when the principles on which Lord Normanby carried on the Government of Ireland, and the results to which his policy must inevitably lead, shall be discussed by those who will hereafter have to find upon those momentous subjects their final and unbiassed verdict. Condemn Lord Normanby, if you choose; —but when you condemn him, let your sentence rest upon some nobler ground of imputation than, in this debate, has been urged against him. From such details as they have chosen to establish their case, his worst adversaries should have turned away, and should have disdained, against such a man, in such a cause, and before such a tribunal, to prefer the charges which, of the accusers and of the accused, were equally unworthy. Charge Lord Normanby, if you please, with an abandonment of that policy by which Ireland was ruled so long, by the men who regarded that policy as the only means of preserving what is called British connexion and Protestant interests;—charge him with having preferred the conciliation of an entire people, to the mercenary sustainment of a decayed and impuissant faction;—charge him with having grounded his Administration upon a scheme of Government subversive of that party which was held so long to be the garrison of the country: these are accusations worthy of him, and of you:—but you should not stoop to a miserable criticism upon the appointment of subordinate officers in the police and of stipendiary magistrates, whose only offence is to be found in their consanguinity with the Member for Dublin,—upon the alleged liberation of men charged with larcenies and assaults, without a strict compliance with technical formalities,—upon the absence from levees of discontented barristers,—upon the invitations of agitators to the viceregal convivialities, and other matters of an analogous character, which the impugners of Lord Normanby's Government ought to have felt it unbecoming of them to have made the subject of their acrimonious but frivolous inculpation. No, Sir; it is not thus that they ought to have sustained their virtual impeachment of the man who, having completely succeeded in Jamaica, and discomfited the planter faction, in preparing the way for the enfranchisement of his fellow-men, undertook the Government of Ireland with a determination to carry the emancipation of his fellow citizens into full effect;—who, by adhering to that noble and salutary determination, secured the confidence and the attachment of the immense majority of the people whom his Sovereign, with a special expression of her just reliance, had recommitted to his care;—who, although the entire suppression of all political excitement was rendered impracticable, by the obstinate adherence of his antagonists to a policy no longer applicable to the condition of the country, succeeded in divesting it of its most formidable characteristics;—who won for the Government with which he was connected the undeviating support of two thirds of the Members who are delegated by Ireland to this House;—and who, after four years of unparalleled popularity, having been transferred to the government of those colonies for whose pacification he has displayed the highest aptitude, carries away with him the noblest of all rewards, in the proud and thrilling consciousness of having most assuredly deserved, as he has, beyond all doubt, obtained, the lasting gratitude of the Irish people.

These, Sir, appear to me to be the most conspicuous incidents in the government of Lord Normanby, and I think them far more worthy of consideration than the details into which the opponents of the motion before the House have thought proper to enter; yet, to such of those details as are of any moment, I deem it right to advert. First, let me refer to the patronage of the Crown. With respect to the Church, the right hon. Member for Tamworth confesses that Lord Normanby deserves unqualified praise. But, in this acknowledgment, does he not make a most signal and large admission? Lord Normanby and the Whigs were charged with aiming at the total subversion of the Church. Had they entertained such a purpose, would they not have betrayed it to its enemies, and garrisoned it with traitors to its cause? But what did Lord Normanby do? He selected men of the highest character, and the most unexceptionable conduct, to fill every ecclesiastical dignity at his disposal. It is enough to refer to his last appointment, that of Dr. Tonson, who in his address to his clergy, informs them that it is to Lord Normanby, alone, that he is indebted for his elevation. Hear another fact. Lord Normanby promoted thirty-seven curates: they had no other claim but that which their piety and their poverty gave them to his consideration. But on the use of this branch of Lord Normanby's patronage it is unnecessary that I should say more because the Member for Tamworth, in moving the amendment, distinctly and unequivocally declared that Lord Normanby deserved great praise for the course which he had followed in reference to the Church. What a contrast did the right hon. Member for Pembroke afford to the right hon. Member for Tamworth! The latter, who during his whole life has been opposed to the men now in power, frankly and generously bestowed upon Lord Normanby his warm panegyric in one essential department of his administration; while the Member for Pembroke, who told us, last night, that he had for years been associated with the present Ministers, and bound to them by the ties of personal regard, pronounced upon them one continuous invective, unrelieved by a single sentiment or expression in which a lingering kindness to his former colleagues were evinced.

But if the right hon. Baronet withheld praise where it was due, his censure ought, at least, to have been fair. Was that censure fair, when, last night he spoke of the appointments in the police? He said much of the resignation of Colonel Shaw Kennedy. But why did he not, at the same time, mention that Colonel Macgregor, who, if he has any politics, is a conservative, was named to succeed him; and why did it not occur to him to state that, out of the four provincial inspectors, three were Protestants, selected for their personal qualifications, without the slighest regard to party objects? I will not waste time by going through the various instances in which Lord Normanby is accused of having misapplied his patronage. The truth is, that the men who call themselves "the Protestants of Ireland," considered an exclusive enjoyment of the patronage of the Crown as a sort of ancient Protestant prerogative; and when they saw an office of any kind given away to an emancipated Catholic, they charged Lord Normanby with a violation of their vested rights. So little sympathy, however, will, I am sure, be felt in this House for the party to whom Lord Normanby did not give the opportunity of being ungrateful, that I pass over every thing that has been said upon this subject, with the exception of what has been urged with regard to the appointment of the present Irish Solicitor-general, when he was promoted, two years ago, to the office of counsel to the Castle. It is objected, that he belonged to a society formed for the advancement of corporate reform. The society was not a secret one,—it was not exclusive—it resorted to no signs of mysterious recognition; — no declaration of conditional allegiance to the Sovereign, and of unconditional allegiance to the Grand Master, was imposed upon the initiated; and I do not believe, whatever may have been its other demerits, that by that society, warrants to the army, signed with the name of "Ernest," were ever issued. The Member for Tamworth read a long extract from a newspaper, called the *Sligo Champion*, describing Lord Normanby's progress in Sligo, and his entrance, by a postern door, into the Court-house. As he has read a Whig newspaper, I shall read an extract from a Tory one, — not a provincial newspaper, but the gazette of Toryism in Ireland,—the *Evening Mail.* The *Evening Mail* of the 31st of December, 1835, contains the following article:—

> "When the new Administration conferred upon Lord Roden the high and distinguished office of Steward of his Majesty's Household, they offered a compliment to private worth, and paid a deference to a public integrity; and it was fitting that from such a Cabinet, and to such a man, the one should be tendered and the other yielded. But, independently of every thing due to the noble individual,—and no one is entitled to higher honour or greater consideration, — there was a party in this country, at whose head Lord Roden had been placed, who had reason to expect, if not a right to claim, that the personage so honoured by them should not be forgotten or neglected by a Ministry which has been placed in its present position through their agency and instrumentality. That party is composed of the Protestants of Ireland. Sir Robert Peel has done his duty. He has recognised the claim by a nomination of our acknowledged leader to the very highest situation in his Majesty's household."

Go, after this, and complain of Lord Headfort, and Mr. Pigot! Of the very remarkable appointment to which the paragraph which I have just read refers, I could say much, but that I have no desire to expatiate upon it, in the spirit of acrimonious amplification. I excuse the Member for Tamworth: indeed, I believe that he could not avoid the course which he adopted. He could not help promoting the men who had sustained him, although they were exceedingly obnoxious to the great majority of the Irish people; but if he comes into office to-morrow, will he not have the same painful necessities imposed upon him? He will not be able to escape from the difficulties resulting from the support with which he is encumbered; he must make appointments of a character similar to that to which I have just referred. Let him not, however, blame us, if, in these appointments, we see evidence of the spirit in which his Irish Government must be conducted. He may speak as he will of an impartial administration of justice, and an impartial system of government; but through what instrumentality is it to be carried on? No man has ever more strenuously asserted, that between men and measures no distinction should be made. The fact is, every man is a measure—every appointment is an indication of policy. Who are to be your men? We know who they were before, and we know into what excesses, in their exultation, the Orange party were betrayed? And can you be surprised, that we should look with dismay at the restoration to power of a party, of whose spirit we have had an experience so unhappy? Accordingly, through all Ireland there prevails an excitement almost unparalleled, not because we bear an antipathy to the Member for Tamworth, but because we know that our country will be the victim of the exigencies to which he will be reduced.

The next charge to which I shall refer,

relates to the administration of justice. Sir Michael O'Loghlen, when Irish Attorney-general, made two important changes; he ordered that juries should not be packed, and he appointed local solicitors. Sir Michael O'Loghlen is an admirable judge; all parties concur in his praise; he is not likely to have been guilty of any very reprehensible proceeding as Attorney-general. Do English gentlemen think that juries ought to be packed, and that men should be set aside on account of their politics or their religion? An itinerant Crown solicitor goes down twice a-year to the assizes of a county, in which he does not reside; the panel is called; and is he, from mere whim, or in a freak of authoritative caprice, to order respectable men, who have come, pursuant to a summons, a distance, perhaps, of forty miles, to be put aside? Why, Sir, the Member for Tamworth ought to be the last man in this House to advocate such a practice; for his Juries Bill in this country was introduced, among other purposes, to prevent the packing of juries in criminal cases in this country. Sir Michael O'Loghlen did no more than act in conformity with its spirit in Ireland. With respect to the appointment of local Crown solicitors at sessions, no measure has been more useful; and if Mr. Howley, the assistant barrister of Tipperary, has won from men of all sides the most unqualified encomium—if his talents, his temper, his discrimination, his patience, and every other judicial quality have been the theme of panegyric; and if he has put down, as he has done, the class of crime falling within his jurisdiction in Tipperary; it is right that I should add that he told me and authorised me to state, that he derived the most essential assistance from the local solicitor, Mr. Cahill a gentleman of great abilities and of the highest character, who was appointed under Lord Normanby's government. Sir, the reference to the state of Tipperary leads me to a painful and melancholy topic. I must admit, it is impossible, indeed, to deny, that great crimes have been committed in many parts of Ireland. But are they to be attributed to Lord Normanby's government? Throughout the whole country, at every Tory gathering, at every festival—which, of rancour and bad feeling and anti-Christian hatred are indeed Conservative, but to all kindly sentiment and all charity are fatal indeed — in every Tory newspaper and periodical in the country, it has been studiously and perseveringly insisted, that to Lord Normanby's government every crime in Ireland is to be referred; and although it is notorious that, under Tory governments, when a policy, diametrically the reverse of Lord Normanby's, was adopted, crimes as appalling were perpetrated — witness Wild Goose Lodge—witness the murder of the Sheas—(to a cottage in which eighteen human beings were assembled, fire was applied in the dead of the night, and before the day had dawned, men, women, children—all had perished!)—still, the people of this country have been, to a certain extent, persuaded that to the government of Lord Normanby every atrocity is to be attributed, and to think that there exists a design to murder every Protestant proprietor—nay, that there has been established a sort of "secret tribunal," of which the peasants are the executioners, the priests the judges, and that the representative of his Sovereign presided in that "red land" over the judicature of blood. To the propagation of this belief, men have lent themselves, who should have known better; and the inquiry in the House of Lords, limited to Lord Normanby's government, and founded upon attacks directed against him, is calculated to strengthen an impression which is of all others the most unfounded, and which has party objects, beyond all doubt, in view. Sir, it is the duty of this House to counteract an impression so injurious, and which is likely to lead to consequences the most pernicious. It is not my intention to enter into any inquiry, founded on the numerous authorities which might be cited on the subject, of the causes of the long-continued perpetration of crime in Ireland. I shall content myself with one; and I refer to it solely because it exhibits a singular coincidence of opinion, at the distance of 300 years, between two Englishmen, officially employed in Ireland. Repeated allusion has been made, in the course of this debate, to the letter addressed by Mr. Drummond to the magistrates of the county of Tipperary. I hold in my hand a volume of the State Papers of the year 1535. Brabazon, writing to Cromwell in that year, says, that the crimes of the lower orders arise exclusively from the cruelty and extortion of the proprietors of the soil. He adds, that a just government would soon raise Ireland to a level in civilization with this country. From that remote time, it would be easy to present to the House a series of authorities reaching down to the present day, in which a singular concurrence in that sentiment would be found; but citations in this House are not calculated to excite much attention; and, indeed upon the causes of our calamitous criminality, such citations are superfluous. Instead of its being wonderful that, in Ireland, disastrous outrage should have prevailed so long, it would be astonishing if it had been otherwise. If any other country had been governed as you have governed us, would not the results have been the same as are presented to you by the island which has been so long subject to your dominion, and for whose guilt, as well as for whose misfortunes, it ought to occur to you that you should be held responsible? Take any country you please—take the country, for example, of the hon. Gentleman opposite, the Member for Kilmarnock, who is taking notes of what I am uttering, with a view, I suppose, to reply to me. I will furnish him with materials for a reply, by inquiring from him, and every other Scotch Gentleman who does me the honour to attend to me, what would have been the fate of their country, if the same policy had been pursued in its regard as was adopted towards the unfortunate island whose condition, social, moral, and political, affords you so much ground for lamentation. If Scotland (which has made a progress so signal in prosperity of all kinds—and which, with so many claims to praise, possesses, in what Burns has nobly called her "virtuous populace," the chief title to admiration)—if Scotland, I say, had been portioned out by the sword of military rapine among merciless adventurers—if, after the work of robbery was done, a code for the debasement of the Presbyterian population had been enacted—if the Presbyterians of Scotland had not only been despoiled of property, but deprived of all power to acquire it—if they had been shut out of every honourable employment, and debarred from every creditable pursuit—if they had been spoliated of every political franchise, deprived of education, and reduced to a state of vassalage, compared to which feudal serfship would be one of dignity and of honour —and if all these legislative atrocities had been perpetrated under the pretence of maintaining an Episcopal establishment amongst a degraded Calvinistic people, have you a doubt — has any Scotchman a doubt — has the Member for Kilmarnock (he is the only representative of a Scotch burgh who takes part against us) — has even the Member for Kilmarnock a doubt that, even long after that system had been partially abolished, Scotland would present the same spectacle as Ireland now exhibits, and to Tory orators would afford as wide and desolate a field for their mournful expatiation. Inquire, forsooth, into the state of Ireland since 1835! Since 1835! —No, Sir; but from the day on which, to rapacity, to cruelty, to degradation, to the oppression by which the wise are maddened, our wretched island was surrendered. From that day to this hour let your inquiry be extended; and, when that inquiry shall have terminated, you will learn that it is not at the door of Lord Normanby that Irish atrocities are to be laid, but that they should be deposited at your fathers' graves; and that their guilt, in a long inheritance of sin, should descend upon you. It is in the history—in every page of the history—of Ireland, that the causes of her excesses are to be sought; and, whoever shall read that history, with the spirit in which it ought to be perused, will cry, "Shame!" upon the men who avail themselves of the crimes inevitably incidental to the condition of the people, in order to raise a clamour against the Government, to rouse the religious passions of this country, and to turn the old "No Popery" cry to a political account. But that they should resort to it, I should not feel surprise. No! I, when I bear in mind how often the detestation which Englishmen are taught to bear to the religion of England, in some of its best and noblest times, has been converted to a depraved instrumentality — how often the wildest fanaticism has been the auxiliary of the foulest faction—that, many and many a year ago, upon the murder of Godfrey, the Popish plot was got up—that, upon the attestation of villains the most worthless of mankind, the people of England were persuaded that the Irish Protestants were to be massacred, and that the Irish Papists were to invade this country, in order to establish Popery in England — that, under the influence of a sanguinary panic, your forefathers were hurried into excesses the most frightful—that the courts of justice were turned into arenas of human butchery, in which jurors and judges vied with each other in their appetite for blood—that wretched priests, to whom the murder of every Protestant was attributed, were dragged from the hiding holes where they cowered for safety, and savagely disembowelled—that the best and noblest of all the land perished with protestations of their innocence, to which posterity has done a tardy justice, quivering upon their dying lips—and that all these atrocities were perpetrated under the excitement created by that base cabal, of which Ashley Cooper, who had been Lord Chancellor (an atheist, affecting to be a bigot), played so prominent a part,—when I bear in mind, that again at a period less remote, when the first repeal of the worst part of the penal code was proposed, the same base cry was raised, and an association called the "Protestant" was formed, which Edmund Burke represents to have been composed of as unprincipled impostors as ever in the degraded name of religion trafficked on the credulity of mankind; — when I remember, that, at a period more proximate, in the memory of most of us, in 1807, when the Whigs proposed that your Catholic fellow countrymen should be eligible to places of honour in the naval and military professions, again, for factious purposes, that same cry was raised,—that, when there was no Lord Normanby—when there was in Ireland no political agitation — when of O'Connell nothing had been heard,—yet, upon Ireland, and the religion of her people, and the ministers of that religion, the same odious calumnies were cast, and we were held up, as a nation of idolators, of blasphemers, and of perjurors, to the execration of the English people,—and that all this was done by the very party who, in eight years afterwards, themselves proposed and carried the very measure which has been made the instrument of all this abominable excitement; — how, when I remember all this, can I feel surprise that, for the same bad purposes, men should be found capable of resorting to the same base expedients; and that, to the same execrable passions, they should address the same infernal invocation? And what was the state of England, when, to recover possession of office, the Tories of 1807 raised their "No Popery" cry? You stood upon the verge of a tremendous peril: the great conqueror was in his full career of victory; and, had he landed an army on the Irish shore, little short of miracle could have saved us. But now, we are at profound peace,—now, nothing is to be apprehended,—now, the Orangemen of Ireland can trample on us with impunity, and on the neck of the Irish people the foot of Rodenism may with impunity be planted. Ha! be not too sure of that! And, that you may not be too sure of it, let us, for a moment, consider who are the Irish people. The noble Lord the Member for Stroud, on the first night of this debate, read a passage from Edmund Burke, in which it is stated, that the Irish Catholics had been reduced to a mere populace, without property, education, or power. And, if we were still what we once were, then, indeed, to our old Orange masters we might again with impunity be given up. But a prodigious change has befallen in our condition,—a change greater, perhaps, than any of which in the annals of any people any example can be found. Who, then, are the Irish people? They are those mighty masses, who, gradually recovering and emerging from the effects of conquest, of rapine, and of oppression, brought to bear against a tyranny,—once deemed as irresistible as it was remorseless,—the resources, which nothing but a cause just beyond all others in the sight of Heaven, and the deepest consciousness of the heart of man, could supply—and after a struggle, of which the fame should be as imperishable as the results are everlasting, by dint of indefatigable energy, of indissoluble union, and of undaunted and indomitable determination, won from their antagonists their irrevocable freedom,—who, following up that noble event in a spirit not unworthy of it, became the auxiliaries of their British fellow citizens, in another great achievement, and now demanding equality or its only alternative, and putting in for that equality a justly imperative requisition, stand before you in one vast array in which, with increasing numbers,—increasing wealth, increasing intelligence, and increasing and consolidated power, are associated, and offer to your most solemn thoughts a series of reflections, which should teach you to beware of collision with the Irish people. You talk to us of collision with the Lords;—of collision with millions of your fellow citizens beware, — beware of collision with those millions, to whom a power has been imparted, which in your hearts you know you can never recal. If the Member for Tamworth, on the first night of this debate, cautioned us with any truth to beware of "entrance in a quarrel," with how much more justice should he himself be warned to avoid a contention with those of whose prowess he has already had an experience so instructive! Such a contention would not be wise. What do I say, — wise? — it would not be safe, and its consequences might be disastrous beyond what it may be prudential to point out. It is not to Ireland alone that those consequences would be confined —they would extend far beyond her, and every British interest would be affected by them. "We are at war," exclaims the Duke of Wellington, "in America and in Asia." If we are at war in America, this is not the time to hand Ireland over to the rule of that party, who, between Catholics and Protestants, between Irishmen and Englishmen, would draw "the boundary line." We are indeed at war in Asia, and disclosures have recently been made respecting the views and feelings of Russia in regard to this country, which must convince us that the peace of Europe is more than insecure. With respect to France, is it not manifest that, if the Tories had been in office two months ago, and had acted on the principles which they profess in opposition, we should have been hurried into a war with France by the blockade of Mexico? Algiers remains as a ground of difference; and, independently of these considerations, France itself is in a state so volcanic, — a concussion, and an eruption are so probable,—that upon any permanent alliance with that country it would be rashness to rely.

This, then, is not the time,—this is not the befitting time,—in the heart of the British empire, amidst two-thirds of the population of these islands,—in place of that sentiment of impassioned allegiance which Lord Normanby succeeded in creating, to substitute a feeling of deep, resentful, and perilous discontent; — to convert Ireland into a source of your weakness, from a bulwark of your strength;—to make her an item in the calculations of your antagonists; and to the external risks by which we are encompassed, to superadd this fearful domestic hazard. These are reflections which will not be lightly dismissed by you, if to the modern name, by which your party desires to be designated, you have any claim; and to the real interests of this country, to the integrity of this vast dominion, and to the safety of Ireland, a principle truly Conservative is to be applied: but if it shall be otherwise, — if, blinded by party, — if, of everything, except the gratification of factious passions, and of antipathies national and religious, you shall be regardless, and you shall give no heed to the dangers consequent upon their indulgence,—it only remains for me to pray (and in the deepest sincerity of my heart that prayer is offered up) that you may not live to lament, that to the admonitory intimations given you, by the events which are passing around you, you were insensible, when your regrets will be embittered by the consciousness, that repentance will have become useless, and remorse will be without avail.

Lord *Stanley* hardly knew whether at that late hour of the night he might venture to presume upon the patient indulgence of the House. He certainly was anxious to have heard all that could be said upon the other side of the House, before he offered any observations upon the important question before them, leaving of course to his noble Friend the Secretary of State for the Home Department the undoubted and unquestionable right to reply. They were now, it appeared, arrived, very nearly at a conclusion of what he supposed his noble Friend the Secretary for Ireland would call this Alexandrine discussion, and he feared, that when the public, who observed and criticised their proceedings, as they would do, should come to compare the course which had been taken by the House of Lords with that which was recommended by the noble Lord the Secretary of State for the Home Department, and which he concluded would be adopted upon that recommendation, they would not find, except in point of quantity, that any great advantage was to be obtained by the representatives of the people from the discussion on the point of comparison; he thought they would be of opinion, that the House of Lords had acted with moderation; he thought on the one hand, they would be of opinion, that the House of Lords, confining itself to the legitimate exercise of its constitutional functions, had abstained from interfering with the right of the other co-ordinate branch of the Legislature; he thought they would be of opinion, that the House of Lords had not, as was rather significantly asserted by the hon. Member for Meath, condemned without inquiry, but had proceeded to inquire before it would condemn; he feared, on the other hand, that they would be of opinion, that the House of Commons, not confining itself within its legitimate functions, had interfered with the exercise of the constitutional rights of the other branch of the Legislature; he feared they would be of opinion, that instead of meeting for the purpose of inquiry, they (the House of Commons) were rushing hastily and determinedly to praise before they investigated; he thought they would feel, that while the House of Lords had carefully respected the rights of that House, and fearlessly exercised their own, (the House of Commons) had exposed themselves to the imputation of having pursued a course at once hasty and weak—unjustifiable in point of argument, and valueless in point of effect. What was the course which had been pursued by the House of Lords on this occasion? The noble Lord who opened the debate had found it fitting and convenient to assume, that the House of Lords had passed a censure upon the conduct of Lord Normanby and the Government generally; and to his (Lord Stanley's) great surprise, as coming from one of such great Parliamentary experience as the noble Lord, he had heard it assumed in aggravation, and as a ground for their taking the present proceeding, not that the House of Lords had come to a particular vote, but that the vote to which they had come had been moved after a particular speech from an individual Member of their Lordships' House. That argument had been repeated by the hon. and learned Gentleman who had just sat down. "What does it signify to us," continued the noble Lord, "by whom the motion was made?" [*Oh!*] I ask you who cry 'Oh!' what Parliamentary or constitutional knowledge have you if you mean to say, that we ought to take cognizance of that fact? If you mean to set aside all those guards which the constitutional wisdom of the nation has interposed for the prevention of undue collision between the two branches of the Legislature, let it be boldly and frankly avowed; but I say you have no right to know by whom the motion was made. My right hon. Friend near me, has set an example upon that point which you well might follow. My right hon. Friend, knowing better and respecting more than some hon. Members the rights of the two branches of the Legislature, deemed it necessary to proceed according to Parliamentary form, and in a legitimate and constitutional manner, to ascertain what had passed in the other branch of the Legislature. I say, then, that you have no right—that this House has no right, to comment upon the individual speech of an individual Member of the House of Lords, of which speech or of the occasion upon which it was delivered you have no Parliamentary cognizance. But I say that there was no censure passed upon the Government of Ireland. I know my noble Friend opposite will not venture to say, that the terms of the motion itself contain a vote of censure. He has told you, that the speech with which it was introduced, and of which you know nothing, implied a censure. I admit, if allowed to comment upon that of which constitutionally we know nothing, that censure has been implied; but I tell you, that your own precedents and example with regard to the practice of Parliament do not justify such a course. Look back even to last year, to the precedent you then established in the case of the Sheriffs' Appointment Bill. My right hon. Friend the Chancellor of the Exchequer said the other evening, in answer to the question of why an amendment had not been moved in the House of Lords—"We knew, that an amendment would not be adopted by that House—we knew, that such was the temper, such the determination of their Lordships, that had an amendment been moved, striking out from the original motion the objectionable words, it would not have been adopted." Now, I ask what grounds you had for saying so? I ask, from what went before, if you had not rather every ground for expecting and for knowing the very contrary? Last year a motion was brought forward by a noble Lord, the political opponent of the present Government, as well as Lord Roden, upon a question directly affecting the exercise of the Executive power, as this motion is assumed to have done—brought forward too in a speech highly criminatory, at least as criminatory as any speech Lord Roden is supposed to have made of the conduct of the Government, the result of which was, that a committee was appointed. Did you resent that inquiry? Did you, when the question came before this House, pass a vote of approbation of the manner in which Lord Normanby appointed sheriffs in Ireland? No: you admitted the right of the House of Lords to investigate the conduct of the executive, and that too upon one of the most delicate branches of its functions. You will say, perhaps, that upon that occasion an amendment was moved, and upon the ground that the motion was limited to the period of Lord Normanby's Government. Why not take the same course now? What reason have you for not doing so now, that did not then exist? The amendment then moved was adopted. Was it adopted upon a division? No, it was adopted at once, and without a division: further than that the Duke of Wellington rose in his place, and stated, that if the question had come to a division, he should have felt himself bound in honour to vote in favour of the amendment. If you desired to avoid—if you did not absolutely seek a pretext for quarrelling with the House of Lords—if you really desired not to shrink from the difficulties of your own creation by which you are surrounded, and which render it almost impracticable for you to continue to discharge the duties of your office. I see no earthly reason why you should not this year have proceeded in the course which you last year pursued, and now, as then, admit the right of the House of Lords to inquire into the exercise of the executive functions of the Lord-Lieutenant of Ireland. Take the two propositions—that of the House of Lords, and the counter proposition of the noble Lord, the Secretary of State for the Home Department. The House of Lords assert, that life and property are insecure in Ireland. [An *Hon. Member*—from 1835.] Then, I say, why not ask to strike out the words, "from 1835?" If that had been asked and refused—if you had been told, that a direct censure upon the Government was intended, and that the obnoxious words would not be expunged, then I admit you would have some ground for coming to the House of Commons and demanding an explicit vote upon the present motion. The House of Lords have affirmed that life and property are insecure in Ireland, and to such an extent as to render it fitting and necessary for them to appoint a committee of inquiry on the subject. They state, certainly, that the inquiry respecting crime and outrage is to be from the year 1835. I am very sorry to trouble the House, I assure it; I do so, not from any wish of my own, but from a sense of public duty. In the first place, the Lords say, that life and property are insecure in Ireland. Is that denied? Not by the noble Lord, the Secretary for Ireland, for he has admitted it; not by the hon. Baronet, the Member for Drogheda, who expressed such extreme opinions, but who spoke with great candour, fairness, and ability; not even by the hon. Member for Meath, although he said, that life and property were secure in some parts of Ireland. But as a general proposition, will you venture to deny, that they are insecure in that part of the kingdom at this moment? By the speech reported to have been made the other day upon introducing this motion, it was professed to prove before a committee, if such should be granted, that at the present moment animosities in Ireland are more prevalent, that religious distinctions are more marked, that the social bonds are more broken, that the Protestant faith is more assailed, and that life and property are less secure, than at any former period since the passing of the Act of Catholic Emancipation. A Peer of Parliament asks the House of Lords to inquire whether the facts he is able to bring forth will corroborate that statement; and I ask you whether, upon such a statement being made, it is the duty of the House of Lords to refuse an inquiry? But he did not rest upon the statement of the noble Lord in the other House. He would beg the attention of the House to a letter he received a few days ago from a Roman Catholic Gentleman of high respectability and liberal opinions, and with whom his first and only acquaintance arose out of his official connexion with Ireland. That gentleman was then known to entertain opinions of a still more liberal character than those professed by the Government. Since he quitted office he had had no communication with that gentleman until the other day, when he had received this letter; and if he dared read all the facts it contained, which he could not do, he would venture to say, that they would make a fearful impression, upon the English Members at least, as to the state of society in Ireland. This is part of the statement made by that gentleman :—

"Never at any period was the public mind so disturbed as it is now in Ireland. Doubt, alarm, suspicion, have poisoned and broken up society from one end of the kingdom to the other. Personal freedom of word or of action is nearly extinguished. The rights of property, the exercise of political privileges, are not protected and regulated by the law of the land, but are admitted, modified, or abrogated, by the arbitrary and irresponsible authorities of priests, of clubs, and of ignorant but formidably active ruffians, who in every district have constituted themselves ministers of public opinion. Disobedience to their decrees is punished by insult, by a very stringent species of outlawry, and not unfrequently by death, sudden and barbarous, and unpunished. An idea prevails among the lower orders, that Government secretly sympathizes with the objects of agitation, and that the constituted authorities reluctantly permit the severity of the laws to be enforced against a certain class of offenders."

In that idea it was but right to state, the writer did not concur, and he (Lord Stanley) utterly disbelieved it. Now, let it be remembered, that it was a Catholic gentleman who wrote thus. He further told them—

"The Government of Ireland is not impartial. The position of parties has indeed been reversed, but the country has gained nothing by the change. Revenge has been substituted for fair and equal rights; the worst passions of the worst portion of the population have been sedulously inflamed, and their imagination has been excited by wild visions of revolution under the specious, but significant phrase of justice to Ireland."

Would to God that all Gentlemen would take the same sound and temperate views of political prospects that were taken by this Roman Catholic Gentleman, who said,

"Then, to be sure, there is the talismanic cry, 'At all risks keep out the Tories; keep them out, as you would shun the renewal of Orange oppression.' As well might we dread for Ireland the return of Elizabeth's days, or of Comwell's. Moreover, whatever legislation has taken place for Ireland under the present Administration, has been done by the express consent, and with the co-operation, of the Conservatives. If the latter were in office to-morrow, they never could have the means, thank God, even if they had the inclination, which I do not believe they have to revive the obsolete misgovernment of Ireland." [*Calls of name.*]

Now this gentleman, for whose honour he would vouch, with whom he was personally acquainted, and whose opinions were much more liberal than his, stated certain facts which had come within his own knowledge, and which he (Lord Stanley) would read to the House but for the concluding passage of the letter, which was to this effect :—

"If you should wish to make any use of this communication, I beg you will not mention my name, as you would thereby expose me to an almost inevitable death. As it is, I am barely suffered to exist under that roof which has sheltered my ancestors for centuries past."

Now, he might be told, that that was a letter from an anonymous writer. Well; he prayed their indulgence to another letter, which was not anonymous, which had been before her Majesty's Government, and the writer of which was known to many Gentlemen opposite. He was a gentleman of extremely liberal opinions, of a most humane character, and he believed that the hon. and learned Member for Tipperary would bear him out in saying so, when he informed him that the gentleman to whom he alluded was Mr. Bolton, who had the management of his (Lord Stanley's) estates in that part of the country. His noble Friend opposite had seen the letter, and this was the statement which it contained of the state of society, as between landlord and tenant, and to which he begged the attention and consideration of the House :—

"The smaller resident landlord cannot attempt the smallest change, can make no new arrangement or improvement; he cannot square off a farm, remove a bad tenant, or promote an industrious one without interfering with the various and involved interests of the classes below him, and creating a feeling of suspicion and dread in the breast of each individual, that each in his turn, may become the victim of some unlooked for improvement or innovation. If he be desirous of bringing up a son or a brother to his own pursuits, though he may have twenty farms out of lease, he is precluded from availing himself of this circumstance, being well assured that any attempt on his part to do so, would most probably endanger his own life, and most certainly that of the party he would place on his land. This was the case with poor Wayland, who now suffers from his father's attempt to place him in his property, where his active and industrious habits, his fondness for farming, and taste for improvements would have rendered him infinitely more useful in promoting the civilization and advancing the best interests of the country than would have been the continued possession of the same ground by twice the number of paupers he dispossessed. There is a change taking place in this country with respect to persons in Wayland's rank of life, which you are, perhaps, not aware of. The class of idle gentlemen is fast disappearing, and their sons, grown up to manhood, and with means considerably diminished, in comparison with what their fathers possessed, find themselves compelled to look chiefly to their own exertions for support. Of course their first object is land, and their inability to exercise their just and legal rights to recover possession of this, whenever a lease falls out, adds to and embitters all their other prejudices against the lower classes. Another source of disunion is the growing spirit by agricultural improvement."

This letter was a calm and a temperate description of the state of society, and of the impediments to the pacification of the country passing under the eye of a cool and dispassionate observer. He brought it forward for no party purpose; he did not charge it upon the Government, for God knew the evils it deplored were of a much older date; he produced it for the purpose of establishing this, that in such a state of society the rights of property at all events could not be considered settled and secure. The writer went on to say, that,

"Great improvements have taken place; but the first step in the way of improvement is the consolidation of farms. At the very first step, therefore, the interests of the landlord and the occupier come into collision. I need not go through other points in which their interests conflict; it is sufficient to say, that in almost every ramification the two interests are conflicting. The landlord finds in the tenant an insurmountable barrier to every attempt at improvement, and therefore he looks upon him with jealousy and aversion."

He (Lord Stanley) hoped he had never been the advocate of any measures, he was sure he never had practised any measures, of harshness or severity towards his tenantry in Ireland. He believed he might say, that never in his life had he ejected a single tenant without making satisfactory arrangements for him elsewhere, but he would say this, that in the present state of society, it was no little aggravation of all the difficulties with which landlords and tenants had to contend, that by certain weakness—an amiable weakness he admitted, but still a weakness—there was nothing so common as to hear one say, when talk was made of the cruel atrocities and murders perpetrated in Ireland, "Oh, it is only one of the old quarrels arising out of the possession of land." Such a mode of talking on such a subject was the surest mode to encourage such feelings, the encouragement of which formed an insuperable barrier to any real and effectual improvement in the condition of the people. Was this theoretical? He grieved to say he had too good reasons for knowing it was not theoretical. Last summer he had, and he still had on a farm of from forty to fifty acres, a man of irreproachable character and of decent inoffensive demeanour, who occupied and had resided for the whole of his life, now a period of sixty years, on a small farm on the same spot. A near relation of his, not many years ago an agent to Lord Stradbroke, was barbarously murdered; this man had no quarrel with any portion of his neighbours around him, but by an agreement with him (Lord Stanley) it was his intention, and it was notorious throughout that part of the country, that he should be succeeded in his farm by his second son, a young man with most industrious habits and steady character, who had directed himself to study practical improvements in agriculture, and was, therefore, likely to prove a most eligible tenant of the property. The eldest son by mutual agreement took a sum of money, from £.80 to £.100, with which his father had supplied him, with the view of establishing a farm in the neighbourhood. It went abroad that his eldest son was bidding for land at no great distance, some five or six miles off. This was sufficient to rouse the vengeance of the midnight legislators of the country. A visit was paid by armed men to the house of the father. They asked for the eldest son; he was not at home; they seized upon the younger son, against whom there was not a shadow of suspicion of making himself obnoxious to the atrocious charge of laying out his own money in the improvement of his farm—they seized upon him, against whom, even according to their own barbarous code, they had not the shadow of suspicion or blame; they set him on his knees, in presence of his mother and a younger brother, and barbarously murdered him on his own floor. The parties were identified; the younger son, a lad of 18, had the boldness and courage to say he knew and could identify the assassins. One other person besides two servants was in the house—it was the aged mother; she attempted to protect her son; she was barbarously beaten, and three of her ribs were broken in her attempt to defend her unfortunate and inoffensive son. The parties were prosecuted at last Limerick assizes. The evidence was clear and conclusive. There was not the shadow of a contradiction brought out in the cross-examination of the witnesses, but the servant-boy and servant-girl dared not identify the parties whom they had seen commit the murder. The young man swore positively and distinctly to the fact, but the jury thought, though all the circumstances of the murder were perfectly clear, they could not pass a sentence of death on three men on the identification of a single witness. He did not complain of the verdict, but he lamented it deeply, because these persons, of whose moral guilt there could be no doubt, were at this moment at large, exulting in the success of the barbarous crime they had committed; and he knew not yet whether he should be able to persuade either the father or the youngest son, who ventured to appear as a witness, to resume occupation of the property. Again, he said, he did not charge this crime upon the administration of Lord Normanby; but he asked the House of Commons whether, when circumstances of that kind were stated—whether, when such a condition of society was exhibited to the observation and cognizance of a British House of Parliament, it was an unpardonable offence in the House of Lords to declare that such a state of crime demanded the investigation of a committee? Unhappily for him, he was connected with a county which exhibited no material variation in the state and amount of crime. Was it, then, singular that when Gentlemen like his hon. and gallant Friend the Member for Sligo, who up to the last three years, in spite of all political and religious differences of opinion, had dwelt in their neighbourhood respected and beloved, had seen the work of improvement going on around them among their Catholic as well as Protestant fellow-subjects, with whom no difference of religion had created any angry feelings, and who were beginning to rejoice in the successful working of their own kindly labours among their tenantry — was it surprising that when those Gentlemen, for the first time within the last three years, found the demon of discord introduced into their once peaceful country to such an extent, that he who could have traversed the wildest part of it in the night unattended, was now compelled, on receiving an invitation to dinner in the neighbourhood of his residence, to consent to stay with his friend rather than risk the dangers of the night —was it surprising that when those Gentlemen saw political discord and agricultural confusion going hand in hand together — when they saw that from the county of Tipperary, where the hon. and learned Member for Dublin boasted all the gallant population were Precursors to a man—when they saw from the county of Tipperary the immigration of this agricultural confusion and political discord, was it surprising, when they saw that this confusion, this danger to the State, this disruption of all the ties of social intercourse, did arise from political excitement and agitation connected with election matters, as the noble Lord said last night;—was it astonishing that his noble Friend should call on the House of Lords to inquire why, amidst all the election contests before, this political discord, this bitterness, was never infused into the state of society, while within the last three years a new element had been introduced, and from what he saw and knew, the agents who introduced it were the favourites of the present Administration? The House of Lords having affirmed this, what was it the Commons were called on to affirm in answer? In the first place, he turned to the hon. and learned Member for Tipperary; that hon. and learned Gentleman called upon them to look back to the precedent of 1833, and he said, that when the House of Lords passed a vote for an address to the Crown in favour of an alteration of the course of policy which had been pursued by the Government relative to the affairs of Spain and Portugal, the Ministers, of whom he was one, thought it necessary to take the opinion of the House of Commons whether in their judgment the foreign policy of the Government was right and should be persevered in; he would say again, in answer to the hon. and learned Gentleman, that had the House of Lords passed a resolution, had they voted an address to the Crown praying the removal of the Marquess of Normanby from Ireland, and for a change of the policy he had pursued, without inquiry and without investigation, the present motion might legitimately have followed; his noble Friend would have been perfectly justified in coming down to that House and saying, "I find our Irish policy is utterly disowned in the House of Lords; I want to know if we have the confidence of the Commons." In that case the collision would have been produced by the House of Lords; in the present case the collision was gratuitously threatened by the House of Commons. What, then, was it they were called on to affirm? They were called on to affirm, in vague, ambiguous, and studiously indefinite terms, nevertheless boldly to affirm, that the law was effectually administered in Ireland; that Ireland had generally improved, and that this effectual administration of the law and general improvement of Ireland was attributable to certain principles, in which it was therefore expedient the executive should persevere. In the first place, he begged to ask, was the law effectually administered in Ireland? He doubted it. Whether from the fault of the Government or not he did not know; but this he would say, that where life and property were not secure, as confessedly they were not, as he had shown they were not, in Ireland, it was impossible to assert that the law was effectually administered. Not in Tipperary, not in Sligo, not in King's County, not in Longford, Monaghan, and various other parts of Ireland, could they say the law had been effectually administered. Had any answer been given to the cases mentioned by his hon. and gallant Friend, the Member for Sligo? Had any answer been given to the appeal of the magistrates of King's County? Had any answer been given by his noble Friend to the case of the man Gahagan, or the man Brennan? Only half an answer had been given to the case of Gahagan; but, making the noble Lord a present of the case of Gahagan, had there been an attempt to answer any of the other cases? The law was effectually administered — was it? He would not go, particularly at that late hour, and especially after the slur which had been cast on all returns of crimes, committals, and convictions, by that Government who produced them—he would not go into details in figures of the committals and convictions, for, after all, the number of committals and convictions in any one year as compared with another would afford no real indication of the state of crime or society in each district; but this fact remained uncontroverted and incontrovertible, even though it had been taken from the reports of the inspectors of prisons in Ireland, that in eleven counties, exclusive of Tipperary, there were last year 277 committals for the crime of murder, in only three of which had a conviction been obtained. There were 539 committals in twelve counties, exclusive of manslaughter, and of 277, only three had been convicted. Would any body tell him that was an effectual administration of the law? They were called on to assert there had been a general improvement in Ireland. He admitted there had been a general improvement there. He was happy to say, that checked as it had been by various circumstances in different places, slowly and progressively, improvement was going on. But when did it commence? how was it to be attributed to the principles followed by the Executive of late years? Was there no improvement before Lord Normanby went to Ireland? There had been two inquiries before this into the state of Ireland generally; one of them took place in 1826, when a committee of the Lords reported as follows, not upon any vague principles, but on some specific measures of improvement in the social condition of Ireland:—

> "The committee cannot close this report without expressing the pleasure they have received from the concurrent testimony of so many witnesses, who, in speaking of the different measures which have been of late adopted for the improvement of the state of Ireland, have in a greater or less degree agreed in attributing to them a highly favourable effect. The establishment of the police and constabulary force; the revision of the magistracy, as far as it has gone; the meeting of the magistrates in petty sessions; the administration of justice by the assistant-barristers; the change which has taken place of late years in the mode of appointing sheriffs; the public works undertaken by the executive Government; the alteration in the system of the distillery laws, and in the general mode of collecting the revenue; the remission of all direct taxes; the repeal of the Union duties, and the increased facility of commercial intercourse, have all contributed not only to remove grievances, but to improve the situation of the country."

He should be glad to know whether such a list of measures brought forward for the improvement of Ireland before 1826, when he supposed it would be admitted, other principles prevailed than those of which they were now called on to vote their approbation, could be adduced by the present Government. He would not weary the House by going into details, which he might very well do from the report which had been drawn up by his right hon. Friend, the Chancellor of the Exchequer, in 1830, before Lord Grey's Government came into office. The right hon. Gentleman, a most unexceptionable authority, drew up a report on the state of Ireland, which he asserted, on the testimony of witnesses from every part of Ireland quoted in the appendix, but summed up in the report itself, that the improvement was most striking and extraordinary which had taken place in every part of Ireland previous to 1830. But there was rather a remarkable fact connected with that report. His right hon. Friend said it was a matter of peculiar congratulation that a certain class of offences had diminished in a most extraordinary ratio, which were precisely those it was most important to watch, because they indicated more or less an insurrectionary spirit. This was the paragraph:—

> "Those offences which are more peculiarly directed against the state, and which mark an insurrectionary spirit, have also decreased in a most striking manner, as will be perceived from the following table."

Then followed a list of commitments for treasonable and seditious practices, for appearing armed at night, for robbery of arms, and other offences of that description. He would, however, only take two cases, comparing the numbers in each case with those for 1838. The Insurrection Act being in force in 1822, 1823, and 1824, there were committals for robbery of arms, in 1825, 21; in 1826, 52; in 1827, 14; in 1828, 27; while in 1838, there were 21—no great falling off certainly. The committals for appearing armed at night, 1822, 122; 1823, 59; 1824, 42; 1825, 29; 1826, 27; 1827, 26; 1828, 19; 1829, 0; 1838, 165, (exclusive of 38, in the county of Tipperary.) So much for the evidence which in 1830 his right hon. Friend, a most unexceptionable witness, pointed out as peculiarly indicative of the improvement or falling off of the tranquillity and good order of the country. He granted the improvement of Ireland; he was far from denying it. He could not grant as a matter of course that the law was effectually administered. But they were called on to affirm that the improvement was owing to certain principles—whose principles? What principles? When first introduced? and how identified with the general improvement of Ireland and the effectual administration of the law? He could not help thinking there was an amiable bashfulness in the conduct of his noble Friend, who framed this motion with considerable skill. The noble Lord called upon them to affirm the "principles which had guided the Executive of late years." Surely when he called on the House of Commons, or any legislative body, to affirm that A. and B. had produced a considerable effect, it was not unnatural to ask who A. and B. were? where they lived? when they died? and how they had contributed to the end in view? But the noble Lord felt all the difficulties of the case; he did not wish to put the present Government in contrast with that of Lord Anglesey, or that of the Marquess Wellesley. It would have been very unpleasant to put the present Government in contrast with the Government of Lord Grey—it would have been extremely unpleasant to contrast Lord Melbourne as Prime Minister with Lord Melbourne as Secretary for the Home Department—and still more embarrassing as Mr. Lamb, Secretary for Ireland. These were the reasons which had induced him to speak of "the principles which had guided the Government of Ireland of late years," as a phrase peculiarly vague and ambiguous. "But," said the noble Lord, "we have boldly met this charge as far as it has been preferred against us." He told the noble Lord that he had done no such thing. To do that, the noble Lord should have said, "We claim credit for the principles which have guided the executive Government of Ireland since the year 1835, on the very same grounds on which the House of Lords has presumed to censure us," and should have joined issue with his right hon. Friend on that point. But, oh no! Such a course was not convenient, and therefore the noble Lord skilfully passed over that part of the question, leaving it to those who succeeded him, and who had no official responsibility, and also to some of those who had official responsibility, to put whatever gloss they pleased upon his speech, and to claim whatever credit they thought good for the executive

Government of Ireland since 1835. The hon. Member for the county of Limerick. distinctly broke ground on that point, and even ventured to compare the conduct of the present Government with that of Earl Grey's administration in Ireland. Humble instrument as he had been in that administration, he was now told that he had narrowly escaped from being impeached for his misconduct, and he did not know whether the hon. Member for Limerick, had not some intention of impeaching him even now. When he first heard that threat, he was a little alarmed, but his alarm was dissipated when he recollected that one of the first complaints which the hon. Member had formerly brought against him, was, that he having come into office in December 1830, had not in April, 1831, acceded to his urgent request to put the Insurrection Act in force in the county of Clare. On first recollection, he could hardly bring himself to believe that the Liberal Member for the county of Limerick had really made such a proposal to him; but, on referring to their records he found that, on the 13th of April, 1831, the hon. Member had brought the disturbed condition of the county of Clare before the House of Commons; that he had said, that he would not then ask for the Insurrection Act to be applied to that county; that he had complained that the application of it then would be too late; and that he had affirmed, over and over again, that he (Lord Stanley), ought to have applied that act to that county, months and months before. Yes, all that had been said over and over again by the hon. Member for Limerick, who now came forward to impeach his want of liberality in the Government of Ireland. But it was said, that with regard to the effectual administration of the law, Lord Normanby had introduced a new principle into Ireland; for he had administered the law by affection, excluding the baser influence of fear! Excluding the base of influence of fear!—That was, indeed, a new principle in criminal legislation. From all that he had ever heard or read, he had been led to infer, that criminal law did act by fear. He had been taught that the fear of punishment was useful in deterring from crime; and it was, indeed, a new principle to him to hear that you were to govern, and administer criminal law by affection, excluding the baser influence of fear. This, he supposed, was the "new principle which had guided the executive Government of Ireland of late years," and it was the only illumination which the House had yet got of that most vague and ambiguous phrase. "But," said the hon. Gentlemen opposite, "we are here to-night to affirm the principle, of not excluding Roman Catholics from office." Affirming that principle! In the times in which they lived, was there any man bold enough to affirm the contrary principle? Did the hon. Gentleman mean to claim credit for Lord Normanby as being the first Lord-lieutenant of Ireland who had abandoned the practice of excluding Catholics from office? Since the year 1829, whatever former opinions might have been—and certainly they were never his—political disqualification on account of religious opinions had become, and must remain, indefensible by any persons who took the reins of office. He supposed, that the hon. Member meant to state, that the Marquess of Anglesey had not acted upon the principle of admitting persons of all religious persuasions freely to office. He knew, that that charge had been preferred against himself in the year 1833; and he had made an answer to it at the time, which he hoped the House would forgive him for quoting now as an explanation of his former conduct. He had then said—

> "We have had the appointment of two sergeants-at-law; one of these two is well known to be a gentleman of liberal principles—I mean Mr. Perrin."

The hon. and learned Gentleman had been charging us with overlooking such persons and promoting the Tory party.

> "The other was a Roman Catholic, Mr O'Loghlen. We have promoted two King's Counsel, both of whom are Catholics. One of these is Mr. Woulfe; of the other I will say no more now than that we thought the distinction due to his legal and professional character."

That related, said Lord Stanley, to the patent of precedence which we had given to the hon. and learned Member for Dublin, not in return for political support rendered to us, but in justice to the professional eminence which he had obtained.

> "We have made two assistant-barristers, one of whom is a Catholic. We have appointed eleven clerks of the Crown; of these four or five were Catholics. We have appointed one Master in Chancery, a very able and liberal

gentleman. We have appointed one cursitor, who is a Roman Catholic. With the exception of one Judge of the Court of Admiralty, these are the only legal appointments that have been made since we came into office."

Now, this was the manner in which the legal patronage of the Government in Ireland was exercised under the Administration of Earl Grey in conjunction with the Marquess of Anglesey. But great credit was taken by the supporters of the Government of Lord Normanby for the appointments which he had made to the judicial bench. It was said, that he had promoted Mr. Justice Perrin, Mr. O'Loghlen, and Mr. Sergeant Woulfe, and it was asked, "Can you find any preceding Government that would have promoted such men?" Now, he would remind the House, that he (Lord Stanley) had himself made the two first gentlemen King's sergeants, and that he had promoted Mr. Woulfe to a silk gown. And it was too bad to be now told, that the non-exclusion of Catholics from office was a new principle in the Government of Ireland, first adopted by Lord Normanby. What, were Earl Grey and Lord Wellesley in favour of exclusion—those virtuous statesmen who had passed their lives in efforts to do away with all political disqualifications—who through life has chosen to abandon power rather than abandon the advocacy of religious toleration—and one of whom, the Marquess Wellesley, might have been at two periods Prime Minister of England, if he would only have consented to cease his protests against the doctrine of exclusion? Were men of their gigantic intellects to be clubbed together as the advocates of intolerance, in order to swell the tribute of praise for the new principles of their new Lord-lieutenant—these men who had grown old and gray in the cause, —who had wasted—no not wasted, but spent their energy, their youth, and their acquirements in opposition to the principle of religious exclusion, were now to be held up, by a formal resolution of the House of Commons, as advocates of the very doctrines which they had been most instrumental in teaching the present generation to scorn and execrate. One word now as to the approbation which the House was about to give to "those principles which had guided the Executive Government of Ireland of late years." He liked, himself, a straightforward explanation of principles, and though her Majesty's Ministers were reluctant to inform the House what they meant by those principles, those who were their main supporters in Ireland had stated broadly and straightforwardly enough what they meant by theirs.

"First," said they, "we demand a perfect equalization of the elective franchise in both countries, by extending the rights of voting of each country to the other; and we respectfully, also, submit that these rights ought to be enlarged in both. Secondly, we demand an immediate corporate reform, equal in every respect with that which England has obtained. Thirdly, we demand an adequate number of representatives for Ireland."

He believed, that the hon. and learned Member deemed that adequate number to be 170.—

"In the united Parliament, deeming the injustice of the inferiority of Ireland to the other parts of the United Kingdom, in respect of the quantity of its representatives, as one of the greatest grievances imposed by, and as the most unjust part of, the union statute. Fourthly, we demand an equalization of religious freedom with England and Scotland. The people of England are not burdened with the Church of the minority, the people of Scotland are not burdened with the Church of the minority. In order to place the people of Ireland upon a just equality with those of England and Scotland, they ought not to be burthened with the support of the Church of the minority; and our demand is, that they may be disembarrassed of that burden, by the application to public purposes, especially to purposes of education and of charity, of the temporalities of the Protestant Church in Ireland."

[Viscount *Morpeth*—these are not Lord Normanby's principles.] Exactly. The noble Lord is so acute. I was just going to ask the very question which has been answered by anticipation. I was going to ask are these Lord Normanby's principles? I believe, that they are not; but I tell you that they are the principles which you, the Ministers, must adopt if you would avoid a collision with your supporters in Ireland; for otherwise they will tell you that "its social elements will never settle into tranquillity," and that they will moot the question of the Repeal of the Union. Under the vague terms, that "it is expedient to persevere in those principles which have guided the Executive Government of Ireland of late years," the hon. and learned Member for Dublin is going to call upon all those who owe allegiance to him, and are willing to do him suit and service, to support a Government which is opposed to every one of his demands, save that of corporate reform. And now one word upon that self-same subject of corporate reform. There was formerly a great difference between us on that subject, but latterly it was narrowed down to a small point, and at the close of last Session, I fancied, that this House and the House of Lords had nearly agreed upon it. In the correctness of that notion I am strongly corroborated by a speech which the hon. and learned Member for Dublin made last November at a dinner at New Ross. Addressing Mr. Maher, the Member for Wexford, the hon. and learned Gentleman said—

> "You, Sir, who were present, know that had I not attended a meeting of Members of Parliament in the Home Secretary's (Lord J. Russell's) office, and interfered; and, in fact, threw myself on the compassion of the English and Scotch Members, the bill for the reform of the corporation, or, more properly speaking, for perpetuating corporate abuses, would have passed with all its defects as it was sent down from the House of Lords."

We have here, then, the boast of the hon. and learned Member for Dublin, rather violating, I should think, one of the conditions of the "compact alliance" between himself and the noble Lord—a matter which I leave them to settle as they can between them; we have here, I say, the boast of the hon. and learned Gentleman, that on one of the four points which he deems to be essential to the future prosperity of Ireland, the noble Lord was inclined to come with us to a wise, and safe, and statesmanlike conclusion, and that he was only prevented by the influence which the hon. and learned Member exercised over him. But the noble Lord will perhaps tell me, "in legislative measures we are bound and fettered by the House of Lords; we cannot do what we would, we must therefore be content to do the best we can." Let me, then, ask the noble Lord if he were unfettered by the House of Lords, whether he would think it either expedient or just, or consistent with the safety of the empire, to consent to any other of the three measures without which the hon. and learned Member asserts, that Ireland cannot be satisfied, and without which he shall consider himself justified in again raising the cry for a Repeal of the Union. I know how the noble Lord will answer that question. I know that he will say, if I may use the jargon of the day, that he is a finality man. I know that he will not extend the elective franchise in Ireland; I know that he will not equalize it in the two countries; I know that he will not grant the hon. and learned Gentleman the 170 Members which he demands for Ireland; I know, that he will not consent to destroy the Protestant Church in Ireland, I know, for he has told us so, that he will have it still the Established Church, and in full possession of all its temporalities. I know likewise, that the hon. and learned Member says, that all these institutions, which the noble Lord declares he will not consent to alter, are fatal to the prosperity of Ireland; and yet we are this night to see the extraordinary spectacle of the hon. and learned Gentleman, and the noble Lord going together to a vote, telling us that the principles of the Executive Government of Ireland have tended to the general improvement of that part of the United Kingdom, and that it is right, expedient, and necessary, to persevere in the assertion of the same principles.

> "But," said the noble Lord, "we do not mean to call upon the House to give a vote in support of our legislation—we merely call for a vote in approval of the conduct of the Executive Government."

Driven in this manner from point to point the noble Lord is "to one thing constant never;" he says,—

> "The House of Lords have passed upon us a vote of censure; we must, therefore, ascertain whether we have the confidence of the House of Commons."

Does the noble Lord then ask from us a general vote of confidence?—No. I defy the noble Lord, I challenge the noble Lord, to ask the House of Commons to give a general vote of confidence to his Government. I defy him to ask for a general vote of confidence in favour either of his foreign or of his domestic policy. Nay, I defy him to ask a general vote of confidence, even upon the legislative policy which he has pursued towards Ireland. The noble Lord is a most skilful tactician. He says,—

> "As we cannot get a general vote of confidence, let us see whether we cannot find some one resolution in which we can all of us agree—some resolution relative to the conduct of the Government in which no one of us is more involved than another. Can we not, therefore, say, that for a certain, I should rather say

for an uncertain time, the Executive Government of Ireland, so far as the Lord-lieutenant's share in it is concerned, has been satisfactorily administered by some person who shall also be nameless."

And on a resolution of that kind the noble Lord flatters himself that he will be able to obtain a majority, and I frankly admit, that I think he will obtain it; but what after all will be the effect of it? The noble Lord then proceeded to say, that he was reluctant to go over the old ground of complaint, which he deemed well-founded, respecting the appointment of the constabulary in Ireland. He happened to be in the House at the time when power to appoint the constabulary was given to the Government as a necessary auxiliary to maintain the peace of Ireland. He had heard the terms under which that power had been granted. The noble Lord opposite had said—

"With respect to the plan of taking the power of appointment from the magistracy, and conferring it upon the Government, the appointment will be vested nominally in the Lord-lieutenant, but actually in the Inspector-general, and the business will be managed on the same principle as applies to the police force of this metropolis, where, though the authority is nominally in the Home Secretary, it is practically with the commissioners."

His noble Friend at the head of the Home Department, after naming Colonel Shaw Kennedy as the Inspector-General, said:—

"It may not be unnecessary for me to observe, that Colonel Shaw Kennedy, being connected with no party in Ireland, would perform the duties intrusted to him with the utmost impartiality and exactness, and at the same time in such a manner as would give universal satisfaction."

Some men are not so shy as others of asserting their principles, and his right hon. Friend, the Member for Tamworth, had asserted his principles in the frankest manner on that occasion. After objecting to some details of the measure, Sir Robert Peel said:—

"I hope that part of Colonel Shaw Kennedy's duty will be to recommend, as he ought in justice to have the power of recommending, all the officers employed in that force, for whose good conduct he will be responsible. I believe it to be of the utmost importance, that the police force should be kept perfectly free from all influence of party animosity or predilection. If honestly administered, it had much better, I am inclined to think, be committed to the hands of the representative of the Crown than to any local authority. But that admission is made on the assumption, that it would be administered with perfect honesty and impartiality; because, if prostituted to gratify party animosity, or for the purpose of extending party political influence, the integrity and efficiency of the force must be altogether annihilated. We ought to adopt some rule, such as is adopted in the metropolis, those who are responsible for the good conduct of the men being intrusted with their nomination, and Government not at all interfering for the purpose of gratifying any political bias whatever. If the Government appoint Colonel Shaw Kennedy, intrusting him with the nomination of those men, for whose conduct he should be responsible, I venture to pledge myself, as far as I can do for any man, for the satisfactory discharge of all the duties of the office."

Lord Morpeth thanked Sir R. Peel for his support to the bill. He (Lord Stanley) knew not how the patronage of the constabulary force was now exercised. He had, however, heard strange allegations with respect to it, and no fitter subject for inquiry could be suggested than the examination of Colonel Shaw Kennedy, for the purpose of ascertaining whether the conditions on which power over the constabulary force was granted to the Lord-lieutenant had been carefully, solemnly, and inviolably kept. With regard to the release of prisoners by Lord Normanby, he really thought, that no defence whatsoever had been made. That tour through the country, in which whole batches of convicted felons had been let loose again upon society, sometimes after consulting, but oftener without consulting, the learned judges who had tried them—that tour through the country and by the gaols of it, had been given up as indefensible on all hands. He thought, that he had even heard the noble Lord say as much. "It took place," said he, "before 1837. You then made objection to it, and nothing of the kind has happened since." Nay, so cautious had the noble Lord become on the subject—so chary was he now of his mercy, that the hon. Member for Drogheda complained, that though on application to the Marquess of Anglesey and the Marquess Wellesley he had often obtained, by writing to the Castle, the remission of sentences passed upon the very respectable persons for whom he interfered, he had never been fortunate enough to succeed in any application for pardon which he had made to Lord Normanby on behalf of persons he dared to say equally respectable. No doubt they were all fit cases for the extension of mercy, but somehow or other it happened, that whenever the hon. Member for Drogheda recommended one of them to the Marquess of Normanby, he was always unsuccessful in obtaining a favourable reply. He would not enter into a consideration of what was the cause of this extraordinary failure. Probably the hon. Baronet had not been skilful in selecting the *mollia tempora fandi.* He could not help thinking, that if the hon. Baronet had applied to the noble Marquess on his road to Trim; if, when he was followed by admiring thousands, he had gone to his horse's head, seized it by the bridle, and made a public appeal to his clemency and liberality, he could not, he repeated, refrain from entertaining a suspicion that Trim would not have been the only gaol in Ireland which was an exception to the liberal system of the noble Marquess. He rather apprehended, that when the noble Marquess visited Trim, he had distributed amongst the various prisoners of other gaols the 144 months of imprisonment which he had determined to remit. Perhaps the hon. Member for Drogheda had written to the noble Marquess after the proper time: perhaps, when his letter was received, the noble Marquess had disposed of his whole stock in trade: perhaps he had dispensed away all his mercy, and had not even a fraction left. [An hon. Member whispered to Lord Stanley.] "Oh no! pardon me!" said the noble Lord, "that is too delicate a matter to mention. I cannot say a word upon that delicate and romantic interference to procure and promote the happiness of Mary Ryan." Suppose you give this vote which the noble Lord now asks you to give him, what will be the effect of it? Will the House bear with me for a short time whilst I mention to it a circumstance which I have read somewhere, but I forget where, and which appears to me to illustrate aptly enough the present situation of the Government. A country surgeon on his return late at night from visiting his patients, found at his door a messenger who had arrived in haste. His horse was covered with foam, and he himself was "fiery red with speed." He announced to the surgeon, that at the house of his master, a man of rank and property, a frightful accident had occurred, that his master's only son was in great danger, and that he must gallop back home with him without drawing bridle. The doctor did as directed. He found the house in confusion, the servants in distress, the father and mother in extreme agony, and the son in bed. He looked at his patient, then went to the window, looked at the room, and with solemn voice asked, "Can you give me a pair of scissors?" Three or four pair of scissors were immediately brought out and tendered to him. He took one of them in his right hand, put his left into his pocket, drew out a packet, cut a portion from it, placed it on the young gentleman's hand, and, with gravity proportioned to the emergency, assured the family, that the sticking-plaster would produce a cure. Now, to apply. What is the language we have recently heard from Ministers? "A dreadful gash has been made in our characters—our honour is wounded—our places are at stake—we cannot survive this terrible censure of the House of Lords —our days are numbered if we have not relief—we will, therefore, take the most efficient remedies;" and when they proceed to take them, their little bit of sticking-plaster comes in the shape of this paltry vote. Let me tell them, that this sticking-plaster practice will never answer their object. He did not know, the noble Lord proceeded, whether the hon. Member for Finsbury were in the House, but he should like to know how that hon. Member would proceed upon a *post mortem* examination of her Majesty's Government. If any thing were to happen to the Administration, the case would properly fall under the jurisdiction of the coroner for Middlesex, and he would like to hear the charge which the hon. Member would address to the jury upon such an occasion. Of course, he would consider it his duty to expatiate upon the advantage of having a medical coroner to preside upon such an occasion. He would then tell the jury, that the deceased died of a very slight cut, which, to a person of a good habit and sound constitution would have caused no annoyance whatever, but that the patient being of a very weakly temperament, and having of late taken to bad ways, the medical attendants, instead of probing the wound, had been content with skinning it over, leaving it festering and unsound underneath. He (Lord Stanley) hoped, that the jury would not implicate the hon. Friend and colleague of the hon. Member for Finsbury as having had any hand in the lamentable event. It would appear on the evidence, that the noble Lord, the Secretary for the Home Department, had uttered melancholy forebodings of the approaching fate of the deceased. But he was quite sure, that let the jury attribute the event to what cause they might, they would have no ground whatever for charging the death upon the House of Lords, either by way of manslaughter or wilful murder. [*Oh! oh!*] He was sorry that hon. Members did not relish a joke at one o'clock in the morning. [Lord *John Russell:* Not a bad joke.] It might, perhaps, turn out to be no joke, after all. He asked the Ministry, if they carried their motion, of what advantage it would be to them in their present condition, which had been so well described by one of their own supporters, the hon. Member for Limerick? He asked of what avail it would be to them if the Government obtained a majority smaller than the number of their official supporters in that House? What effect would such a majority produce on the House of Lords? The hon. Member for Coleraine had said, it would have the effect of crippling the proceedings of the House of Lords; he believed it would have no such effect. Depend upon it the inquiry of that House would go on, and the House of Lords would proceed firmly, but moderately, in the discharge of its public duty. The vote upon the present motion would not, they might rely upon it, produce the slightest influence upon the proceedings of the House of Lords, and if that were the case, what would be its effect on the character of the House of Commons? What would be the effect of the vote upon its character for prudence and deliberation, if hereafter it found itself obliged to rescind the resolution which it was now about to place on its records? What would be the effect when its decision was treated, as, he regretted to say, it was likely it would be, with indifference, if it were not altogether slighted, by the co-ordinate branch of the Legislature? He entreated the noble Lord, the Secretary for the Home Department, to pause. He knew he was asking in vain—he knew hon. Members had made up their minds, and had decided upon taking the course which the noble Lord, relying upon the support of unwilling friends and of hard task-masters, had pointed out. By the combination of these discordant elements he might succeed in gaining a small majority; but whether that were so or not, it would be to him (Lord Stanley) and the great party with whom he had the honour to act—it would be to them a source of satisfaction, that their voices had been raised, and that their votes had been given in opposition to a measure which was one of unjustifiable intrusion and of impotent resentment.

Mr. *O'Connell* solemnly assured the House, that he would with the greatest pleasure return to his seat again, without uttering a word, if he did not feel it an imperative duty to express his opinion as briefly as possible. Nothing but a sense of duty would make him obtrude himself on the House, feeling certain that the House had not yet grown cold from the glow which the ardent speech of his hon. Friend the Member for Tipperary had caused. The hon. Member for Lancashire had indeed, attempted to reply to him, and, no doubt, thought himself a worthy antagonist, but certainly not with great success. He had read somewhere, that there was nothing finer than a great man struggling with adversity; and if he had not to-night seen that, he had at least seen an able debater struggling with the worst cause that ever was advocated. There seemed to be a difference of opinion as to whether there had been good joking or bad joking in it; but he thought the noble Lord evinced much more thimble-riggery than either, in his sophistications, between principles of legislation, and principles of executive Government. The noble Lord had produced documents; but of what kind? Why, one from his own agent. The next step would be, to quote his butler or footman. He would not say that the letter had been sent over to Ireland, in order to be sent back again, but he protested against thus making quotations from private letters that might have been written to please the steward's master. And why was not the name of the other writer given? Because, this Gentleman, who was a Catholic, and more liberal than the noble Lord, was afraid of being murdered. Very singular reasons, indeed, for fearing murder from the Roman Catholics; they would be hardly probable motives except with the Orange party. He was surprised that the noble Lord had not more good sense than to produce such a document. The noble Lord had arrived at his penitential days, and now belonged to that great party which surrounded him. That party must be very compact in its alliance, if any judgment could be formed from what had passed during the present debate, for he believed, that a greater diversity had never appeared than was to be observed between the hon. Member for Sligo and the noble Lord, the Member for North Lancashire. The right hon. Gentleman, the Member for Kent, who was one of the supporters of the noble Lord, and would vote with him, had uttered one of the most atrocious calumnies in that House.

The *Speaker* said, that the observation of the hon. and learned Member was certainly disorderly, if he meant to impute that the calumny proceeded from the right hon. Gentleman himself.

Mr. *O'Connell:* What the hon. Gentleman said, was, that the Catholic clergy of Ireland were an ignorant, benighted, and immoral people. That was the charge made; that was the charge which he said was made; and he now said it was unfounded. He had a right to fling with contempt and scorn the atrocious calumny back upon the hon. Gentleman. There could be no excuse for it, except ignorance to the extent of brutality, such as was familiar in Kent.

Sir *Robert Bateson* rose to order, and appealed to the House whether such language as they had now heard, was either usual or parliamentary.

The *Speaker* said, that it was extremely difficult to draw an exact line in such cases as this; but he thought that it must be obvious that it was improper to use such expressions as these. The last word used by the hon. and learned Gentleman was ignorance. Would the hon. and learned Member repeat what he had said?

Mr. *O'Connell*—He said ignorance to the extent of brutality, such as had been exhibited in the county of the hon. Gentleman. He repeated that there was no excuse for it. They knew that the charge which had been made against the Catholic clergy admitted of no palliation, but proceeded from bigotry of the lowest and basest description, such also as had been exhibited in Kent, and was made against the laborious, the moral, and the devoted clergy of an affectionate laity. It was not surprising, however, to him, that such a charge should be made, for it was but reasonable that he should expect such an allegation from the genial atmosphere of Exeter Hall. It might be called virtue, but

From virtue's self might too much zeal be had,
The worst of madmen was a saint run mad.

There had been a good deal thrown out by the noble Lord, as to the length of time occupied by the debate. It had taken up a considerable time certainly—the House was now on the fifth night of its duration, and the sixth day was just drawing upon them, but it had not taken up more time than the importance of the question demanded. It involved questions of the greatest magnitude, and its termination might produce consequences of the most disastrous nature. It included two distinct considerations—the first was the jurisdiction and authority of the House of Lords; and the second was a subject of no less importance than the good government of one third of what was called the united kingdom. If it had been earlier in the debate, he would have observed on the paltry sophistries by which it was attempted to be denied, that the vote of the House of Lords was a vote of censure; and he thought that the right hon. Baronet who talked so much of manliness, might have the manliness to admit that which every man of sense knew—that it was intended as a vote of censure in its form and terms, and no less. He was not disposed to detain the House on the first question, the jurisdiction and authority of the House of Lords, the amount of their decision being in itself necessarily censure—it arrogated to them the power of controlling the appointment and continuance of the administration. It was in effect an attempt to take from this House their influence over the change of the ministry, which should belong to this House alone. He did not deny the theory of the constitution—that the two Houses of Parliament possessed equal rights upon this point; but that became totally inapplicable when it was recollected that that was the House of a particular class—an order irresponsible to the people, and not controlled by popular scrutiny. The administration of the country, then, ought not to be controlled by that House; and more especially when it was considered that if the administration had misconducted themselves, they might be impeached. But what was the nature of the inquiry? To judge what they had already misjudged, and to act in the double capacity of accusers and judges in the very case in which they had themselves prejudged. But it went further; it was an attempt to nullify the Reform Bill, the object of which was to take away from the House of Lords the control which it possessed over the House of Commons, for until that measure passed, the House of Commons was nothing more than a sort of other chamber. It was not necessary, then, to be so indecent as now, because they threw their nominees into this House, at least, with an appearance of fairness; but the Reform Bill was passed to alter that state of things, and he hoped that its intended effect would not be permitted to be lost. Let the House of Lords persevere in their course—let them proceed, and there was an end to the Reform Bill, and the people of England would be in a worse condition than that in which they had before been placed. The House of Lords, however, had not yet brought the matter to a close, but they would come to the charge again, and not leave the job unfinished. The question was a simple one, and one which this House was now called upon to decide, so far as they were concerned. With regard to the lively sally which the hon. Member for Wiltshire was charged with making when he spoke of the superior wisdom of the House of Lords, he knew little, but it might, perhaps, be an attack upon him. That was a common practice. The hon. Member had told the House that he was not at the Corn Exchange. He knew that he was not, and he was glad the hon. Member had not been there, for he could have been neither useful nor ornamental; but when he made the scurrilous attack upon him, it was well the hon. Gentleman were not, and he would yet learn that the self adulation of any man, however great and high in title he might be, would be there treated with the ridicule which it deserved. If the hon. Member were told, that the hereditary wisdom of the House of Lords was predominant, he thought that the expression used by the hon. Member for Belfast, which, at the close of his former connection with the party opposed to that which he now supported, he had used, and by which he denominated the Peers as "the tenth transmitters of a a foolish face," might be employed. But there was another topic of infinitely greater importance. How was Ireland to be governed? The House was not asked to approve of the legislative government of that country, but of the executive government of that country, and there he met the noble Lord who had last spoken, at once. The noble Lord (Lord John Russell) did not ask any man to support a vote in approbation of the legislative conduct of the government of Ireland, and for this he was taunted by the right hon. Baronet. Undoubtedly the course which the Government had pursued, was such as to entitle them to much of their approbation, and he thought that nothing could be more unfair and uncandid than to refuse to support the government of Ireland. It might be party tactics, but he did not think it was common sense, and he was sure it was not common honesty. But they now wanted to change the executive government. When they did this, they proposed to change the principles upon which that executive government had been conducted. Did they think that they were prudent in doing this? Did they think they were, or could be safe, in changing the present wise and just system of government? Were they so popular in Ireland, that they would venture upon making the experiment? Was British connexion so desirable? Was there so little jealousy felt towards them? Was there so little of justifiable resentment to be found there, that they could set the people of Ireland at defiance, and declare that they would not give them good government? When, he asked them, did they give good government to Ireland? And yet they had had dominion over that country for 700 years. Perhaps hon. Gentlemen opposite did not know history. He, at least, should not be surprised to hear that they were ignorant. He could point out to them the mischiefs they had done—he could show what destruction they had sanctioned—what wholesale slaughters they had perpetrated, what crimes they had committed, and what atrocities they had authorised, and how they had violated every treaty they had entered into. He would state these facts — he could quote the pages of history to prove his assertions. Let them, he said, show him the period in which they had commenced to do justice to Ireland. Ireland had made a struggle for her legislative independence, and they had swindled her out of it. They had struck down her native Parliament. Her evil of absenteeism, great before, they had multiplied one hundred fold, till by the report of the railway commissioners it appeared that there were 2,500,000*l.* surplus of exports above the imports of Ireland, constituting a tribute of 2,500,000*l.* paid by that country for the union. It was the union which confirmed that tribute to them. Did they then think that the people of Ireland were reconciled to that union in its present shape, and in its existing form of connection with them?

Did they think that the people of Ireland did not know what species of bargain they had made with them at the union? Ireland had at the time of the union a debt of 28,000,000*l.*, and England had a debt of 450,000,000*l.* What was then done? They took upon them the Irish debt of 28,000,000*l.*, and they inflicted upon Ireland their own debt of 450,000,000*l.* This was the amount of their generosity to Ireland. Did they imagine that these things were not known in Ireland? Then look to their conduct on the Reform Bill. They had given to England a large and extensive franchise. What had they done with Ireland? The effects of this treatment best depicted it. The county of Anglesey had more electors than the county of Cork, and yet in the county of Cork there were 702,000 inhabitants, and in the county of Anglesey there were but 19,000 inhabitants. But was this all? They had given corporation reform to England. The noble Lord had referred to a speech made by him with respect to corporate reform in Ireland, in which he was fortunate enough to persuade English and Scotch Members to reject the Corporation bill as sent down from the House of Lords. Did they not for three years refuse to give any corporate reform at all to Ireland? [*No.*] Who was it that said no? If it were the hon. Baronet (Sir G. Sinclair) he forgave him. And what, he asked, were the opposition party now about? Planning or concocting a scheme in which they might make the franchise so high as to exclude the people, and give it to the favoured few. The noble Lord (Lord Stanley) might feel attached to his established church; but did they think that the people of Ireland would consider themselves obliged to support the church of the minority? It was not so in England, it was not so in Scotland, and the people of Ireland felt that an injury was attempted to be inflicted upon them. And in addition to this, it was attempted now to restore Toryism to its once triumphant state in that country. It was quite true that there had been no legislative relief afforded upon these points; but he wished to show them that they ought to consider how they could best promote the prosperity of the country, instead of dividing it into discordant portions. Any man who wished to realise the union, any man who wished to place Ireland on an equality with Great Britain, should at least pause before he voted against the motion, when his doing so might have the most disastrous effects on Ireland. They refused corporation reform, and they still insisted that Ireland should support a clergy who did not belong to the people. He then asked them at what period of Irish history had the Irish people expressed themselves satisfied with the executive government? Never before this time. And yet that period was now come; and therefore he, in the name of his constituents — aye, and he might say of the Irish community—expressed their attachment to the Irish executive. They demonstrated their gratitude to the Irish executive, because it had established amongst them the reign of justice and of impartiality. He came before that House with hundreds and thousands of petitioners supporting the Irish executive government. In so short a time never were there so many petitions prepared and sent forward from Ireland. The parishes of Ireland came forward as if it were with a bound—when they found that Orange Tory domination was threatened with a greater number of petitions than had ever before been presented to them, and called upon that House to continue the present system. They declared, that that system had given content and satisfaction to Ireland. They stood before them in that attitude. A monarch of England had never before had a similar declaration made to him. What, then, was the use of discussing returns, what the necessity for making calculations, what the advantage of bringing foul charges against the Government, which came upon them by surprise, and the materials for refuting which were only discovered by accident. They found the people were contented with that system. They might, indeed, have proved, by means of vulgar arithmetic, that the Irish people ought not to be contented. There might be returns to show, that the people ought not to be satisfied, but still the people of Ireland declared, that they were content, and that all they asked of that House, was to continue the present Government. Now, it had been said, that the Irish people were violently and virtually opposed to the Church, and that they would not be satisfied with any man who did not do his best to injure and destroy it. What had been the conduct of Lord Normanby in administering the affairs of that Church? If he wished to injure it—if he wished to defile that Church, would he not have placed among its Ministers hirelings who were unfit for their situation? That was not his conduct. His administration of the patronage belonging to the Irish Church had been referred to by the right hon. Baronet as particularly praiseworthy; he had given to the working curates valuable livings, and he had given prelacies to the clergymen of the second order. He had appointed a Tonson, and, above all, a Sandes. Yes, he told them frankly, that never yet was there an appointment, that had given more satisfaction to the people of Ireland than that of his respected Friend, Dr. Sandes, the Bishop of Cashel. There was no more sincere Protestant than that rev. Gentleman—no one performed with more attention the sacred duties of his profession—no one was more distinguished for his piety. Such a man, indeed, was much more dangerous to be sent amongst the Irish people for the purpose of converting them, than any one of your Kent fiery Reformers. This, then, was the situation in which Ireland was; she was content, she was anxious, she desired to retain in the Government of her Majesty the Queen, that man who makes the best selection of Protestant bishops and of Protestant clergymen, and who also gives universal satisfaction to the universal people of Ireland. He thought, then, hon. Gentlemen ought to reflect before, by their vote, they put a negative upon the desires of the Irish people in support of the executive. There was an old song which said—

> "Ye gentlemen of England, who live at home at ease,
> Ah! little do you think on the dangers of the seas."

He said to those "gentlemen of England who lived at home at ease," be careful you do not do anything which may break in upon the peace which you now enjoy. He did not say this as a threat. Or, if they said it was a threat, let them so take it. They did not know how soon the people of Ireland might be wanted. Did they know that the people of Ireland were more alive to their rights now than they were formerly?—that the Irish people almost universally were now readers?—that where newspapers formerly hardly went out of the great towns, they were now to be found in every village, and almost in every cabin? Did they know that the mighty mind of Ireland was excited?—that there were millions of arms to be conducted by that mind if they drove the Irish to insanity by their determination to continue the old system? What had been that old system? They wanted inquiry, forsooth! Assuredly they knew what the Orange system was. It was but right to remind them, lest they should forget it, that, in the Orange counties, there was a word invented which was not known in England. If a man talked of wrecking houses in England, it would be thought that his hon. Friend, the Member for Birmingham, had seen realised his dream of the arrival of the Russians at Gravesend, and of that town being wrecked. But the phrase was familiar in Ireland. And why?—because the act was familiar. He could not avoid giving a few instances, to show the character of those to whom they were handing over the people of Ireland. He should come presently to their high-souled protestations of fairness and impartiality; he should come to them presently, if not with the contempt they merited, with the refutation which was so easy. In Ireland the word "wreckers" was a common phrase. He happened to have in his pocket a letter which was not there by accident. He was not exactly like the hon. Member for Bandon, who did not intend to say a word during this debate, and who accordingly came to the House with five or six volumes of returns, with careful marginal notes, and with oranges ready. He intended to produce this letter. It was the letter of a gentleman, now more than twenty years dead, whose name stood high in the annals of Irish history. He was an independent Member of the Parliament of 1782, and was related to some of the first families in Ireland, and his name was Mr. Todd Jones. The letter was addressed to the editor of the *Dublin Evening Post*, and was dated Newry, March 2, 1814. There, in the open day, twenty-eight houses were wrecked, and the house of the Catholic priest was fired into next day, because he interfered to obtain justice. But there was not a particle of chance of obtaining justice, and the foul deed was perpetrated with impunity. He mentioned this circumstance to show what that party was. He had documents to show that the same system still continued. During the last administration of the right hon. Baronet (Sir R. Peel), in January, 1835, a similar scene of outrage was exhibited at the town of Lurgan. Two Orangemen were assaulted and violently beaten on their return from Armagh: the Government, of course, was perfectly ready to lend the aid of the constabulary and the army to discover the perpetrators and to bring them to punishment. The Orangemen were not satisfied, and what was the result? He would read the report of Lord Gosford, which was written in February 1835. The report stated that seven houses belonging to Catholics had been burned, and that the most wanton and atrocious outrages had been committed, and that all attempts to discover the offenders had failed in the object. Seven houses during the very last time the right hon. Baronet was in power were burned in the open day; nay, he found in the report that this was done in the presence of a portion of the army; but the Orangemen and yeomanry were too strong, and Sir Frederick Stovin did not think it prudent to attack them, not wishing to waste human life. Yes, in the open day, and unavenged to this hour, seven houses of the peaceable and unarmed citizens were consumed, to avenge a personal outrage of the day before, which the law was quite sufficient to vindicate. Was that all? He hoped the hon. and gallant Member for Armagh (Col. Verner) was present; as in the presence of that hon. and gallant Member, even during Earl Grey's administration, houses were similarly wrecked. That hon. and gallant Member met the wreckers coming towards him. He was a magistrate, a captain of yeomanry, and an Orange dignitary, and possessed great influence in those capacities, which was still greater in consequence of the amiability of his private character, for no gentleman could be more amiable in his private life; but, notwithstanding all this, the hon. and gallant Member met these people, the wreckers, in the road; and, as he himself stated, he did every thing in his power to prevent the party from proceeding. When he arrived at Magheragh, the people had broken the doors of the houses, and completely wrecked the village in the presence of the hon. Gentleman himself, and of a body of the police. Having done this, they marched on with drums beating and flags flying in regular order, Captain Lloyd being at the head, and the hon. and gallant Member himself bringing up the rear. He did not charge the hon. and gallant Member with a wilful participation in this transaction. He believed the hon. and gallant Colonel did endeavour to prevent it, and used his best exertions for that purpose, but in spite of all his influence, this happened in the open day, and no man had ever been punished for that outrage from that day to this. And yet they talked of impartial justice to Ireland, when they could not control their own satellites. If any man could have done it, the hon. and gallant Member would have done it. He had every recommendation that a man could have, yet in open defiance of him, in spite of his influence, and without dread of punishment, this horrible outrage was committed. And were the people of Ireland to be satisfied with the words of the House of Commons or the House of Lords, if they were handed over again to those who must act by and through that party. He hoped the hon. Member for Monaghan (Mr. Lucas) was in the House. The hon. Member did him the kindness to inform him that he would bring before the House another transaction which had occurred so late as 1837. As to that statement he quite agreed with the hon. Member. What was it? In July (the 28th), 1837, on the festival of St. Peter and St. Paul, there was an ancient practice to light bonfires as a token of respect for the coming solemnity. This having given offence to the Orangemen, all the male population and the adults abandoned it; but it was taken up by the children, and at Miriash, in the county of Monaghan, ten or twelve children on that day made one of those little bonfires and were dancing about it. There were savages found—yes, two savages approached as close as they could, levelled their muskets at those children, and fired at them. Two of the children were struck dead—two children of a widowed mother, and four or five others were wounded. And what did the hon. Member reproach him with? Why because he said that this deed was perpetrated by Orangemen. The hon. Member said that it had been investigated and examined, but they had not been able to find out the murderers; and what right, therefore, had he (Mr. O'Connell) to say that the murderers were Orangemen? He should be glad to know why the children were shot? There was no doubt of the massacre of the children; it took place on the 28th of June, 1837, and from that hour to this they had not found out who the murderers were. The murder was not committed by the Catholics. They would not fire upon children for amusing themselves with a Catholic solemnity. It was not done by the Protestants for the Protestants of that neighbourhood had not become Orangemen, and certainly were not animated with such rancour towards their countrymen. It was not committed by the Presbyterians, who were even still more liberal. Was he wrong, then, in saying that it was committed by Orangemen. It was his conjecture, nothing else. He prayed them not to hand over the Irish people to a party capable of such foul and flagitious crimes. Leave them not to their tender mercies. If they took away the protection of Lord Fortescue's government, these men would come triumphantly into office on the shoulders of the vote of the House of Lords. Defeat this by a vote of approval, negative the vote of the House of Lords, and say that they were determined that the principles of the present government should be acted upon. The vote of the House of Lords, was the proclamation of Orangeism; and had the Orangemen been idle already? It was only the other day that they met at Coleraine, thirteen lodges of them to express their grateful thanks for the conduct pursued by the House of Lords. They never heard professions of Orangeism in the House of Lords—no, but the feeling crept out in their meetings, and in their lodges they showed what they were. Would the hon. and gallant Member for Sligo (Colonel Perceval) tell the House who the present grand officers of the Orangemen were? [Colonel *Perceval* knew just as much of them as the hon. and learned Member.] He was glad to hear it. There was then another set of officers substituted for the former. The society had two relays of officers. But this was not all. During the last six or seven years the grand jury had been decent enough to allow some few Roman Catholics to serve amongst them. He had received a letter from a gentleman, who informed him that this practice was now put an end to, and that there was not a single Catholic or liberal Protestant left upon the grand jury. He had not the least objection to name the writer of this letter: it was Cornelius Mc Loughlin. The fact was, the Orangemen were in office already. The hon. Member for Coleraine had last night made a *peau de velours* speech. Did ever any one hear him make a moderate speech till last night? The hon. Member was then gentle as a sucking dog, and he only rose to vigour when he praised the Orangemen. It was at Coleraine that this meeting took place, and the hon. Member for Coleraine now lauded the Orangemen; but this was not all. A meeting took place the other day on the requisition of a Duke and several other members of the peerage, 100 deputy lieutenants, and a great number of gentlemen from various parts, for a limited and specific purpose, that of agreeing to an Address to her Majesty in favour of the present Administration. Well, the Orangemen agreed to disturb the meeting, and were discovered with bands round their hats, and buckles in the front of them, as a mark of their fellowship. They sent one Archer, an alderman, to conduct the proceedings; and the waving of an Orange handkerchief was to be the signal for their attempting to rush upon the stage. Would they have done this a month ago? No, no! they looked to the bashaws of the House of Lords and the Conservatives in this country; and they waited for the signal from them. The hon. Member for Coleraine had praised this alderman, who was once lord mayor of Dublin. He happened to recollect a story of this Alderman Archer, which he would tell the House. Alderman Archer summoned a carman for beating him. Both the Alderman and the carman were examined upon oath; but in the end of the investigation his brother alderman, who heard the case, acquitted the carman, and convicted the alderman of an assault, for which he inflicted a penalty of 5*l.*; and forthwith afterwards the worthy alderman petitioned to be allowed to pay the fine by instalments of 1*l.* a-week. There's a leader for you. And yet you fancy yourselves already in office, and begin incontinently to count the spoils of office. In expectation of office the Orangemen were again becoming rife in every species of tyranny and oppression, of which he would mention to the House one instance which happened lately, and the statement of which was contained in a letter, which he would beg to read to the House. The hon. and learned Member then read as follows:—

"I claim a little of your attention to the doings of the Earl of Glengall. Ever since we announced our adhesion to the Precursor Society, he has vowed vengeance against any of the tenantry who should become a member. But the election of guardians has at last afforded the opportunity of executing his threats. He made out a list of guardians for the Firle union — of persons who were either noted partisans, tories of the right sort, or nominal Catholics who are tenants, and of course dependents, and might be managed. In the divisional district of Cahir he placed on his list three rank Tories, to the exclusion of 8,000 Catholics, and he has been signally defeated. His nominees were refused, and three honest, patriotic Catholics returned. He asserted it was a matter of indifference who should be returned, but as soon as Lady-day came on, the mask was removed. It was not usual to call for the March Lady-day gale until harvest, but on this occasion orders were issued to have it paid on the following day. The law agent, J. Barry, had instructions to serve latitats upon every person whose rent was not paid within four days. He sent letters through the Post-office with this warning, and charged 7*s.* 6*d.* for the delivery. He went to Dungarvon and did not return till the fifth day. Several went with the rents to the land agent's house, who actually refused until they first settled costs with the law agent. One man called and tendered his rent. He was desired to go to Barry, the law agent. He did so, and while in the act of paying the money a latitat was served on him, the cost of which he was obliged to pay in addition to his rent. Is this legal? I know it is not just."

True, these might be the rights of landlords; but he would ask, was there a single English gentleman who heard him who could put his hand to his heart and say that he should not be ashamed to act in this way to any tenant of his? Would the House like to have his authority for this statement also? The letter he held in his hand was written by Michael Tobin, the respectable parish priest of Cahir. The gallant Colonel opposite made a pathetic appeal to the House the other evening, and said he could not go home at night. He (Mr. O'Connell) perceived it was after midnight. He would now beg to call the attention of the House to the circular of the society called the Irish Protestant Tenantry Society, the introductory announcement of which was as follows:—

"Amidst all the exertions that are making to protect Protestantism in Ireland from the mine and assault of the popish priesthood, and their bigotted flocks, as well as from the artful attacks of the Tyrconnells and Phippses of the day, it appears never to have occurred to the leaders of the Conservative party, that all the while, the only lasting bond of success and security, a Protestant tenantry in Ireland, which forms the connecting link between the two countries, has been, and is, daily disappearing. Large districts of Ireland, which not very long since were peopled with those gallant and faithful men, who form the vanguard of Protestantism and the British monarchy, have been weeded of them to such an extent, that not a single Protestant is now to be found in them. Where the Established Church once stood, and the pure religion of Christ was once disseminated, now stands the popish mass-house, pouring forth the soul-destroying doctrines and immorality of Maynooth. From these districts all rational hope of the revival either of true religion or civilization, through any other means than the replacing a Protestant tenantry, is utterly banished. What more immediately presents itself as a simple and obvious duty to the protection of the Protestant creed and constitution, is the prevention of the removal of the present Protestant tenantry of Ireland, through the operation of those well-known causes which drive them from the homes of their brave ancestors, to make way for the papist, who introduces the misery, superstition, and conspiracy, of which his religious and political creeds are so prolific, and which ultimately are brought to bear against the constitution of England itself."

Now, who was at the head of this society? The humane, the charitable, the religious Lord Lorton. Who were the other patrons? The Earl of Dunraven, who was once a Liberal. He (Mr. O'Connell) remembered when he was something more than an ultra-Radical, but he had since bolted into the other House. Then there were the Earl of Enniskillen, Captain Alsager, M. P. Sir R. P. Glyn, Bart., Henry Blanshard, Esq., and the Rev. Arthur J. R. Preston. The hon. and gallant Colonel who defended Lord Lorton's conduct to his tenantry the other day, said that his lordship's pretence was, that he had wished to introduce a Protestant who should teach his tenantry the linen manufacture; but in so doing he had given the newly-arrived Protestant the dwelling of a Catholic; and if the noble Lord wished to drive his tenantry to despair and crime, what better course could he take than this of casting them out of their cherished homes; and for a Protestant, too. Well, then, whatever might be the difference as to the facts connected with the ejectment of Lord Lorton's tenants, and the sums of money which were given them as compensation for being deprived of their holdings, this document showed the spirit by which that noble Lord was actuated. The right hon. Gentleman (Mr. Lefroy) had taunted him for having uttered a calumny as to Lord Lorton. But what did he state? The report of a trial given in a newspaper amongst other circuit reports. It was true the right hon. Gentleman made out a very good case for Lord Lorton, by asserting that a lease for fourteen years to the widow was changed into one for eighty; but the question was tried by a respectable Protestant jury (he hoped there was a Catholic upon it, but he believed there was not); the witnesses were subjected to the scrutinizing eye of the counsel of Lord Lorton (who had the benefit, too, of an excellent active agent), and the jury unhesitatingly found a verdict for the widow. But what did Lord Lorton do? He got a right of possession from the son, who was not entitled to grant it, and he pulled down the House about the widow's ears, and drove her to seek shelter in a miserable sheeling by the road side. He was showing the brutality with which the Irish people were treated on the approach of the time when, if the party opposite came into power, they might be trampled on with perfect impunity. There were some hon. Gentlemen opposite who were familiar with the Scriptures. When they saw the acts of their friends in Ireland, they should call to mind the denunciations there pronounced against those who trampled on the widow and the orphan. On what account? For differences in religion! Frank, avowed, direct bigotry. Because the poor people were attached to "Popish superstition," therefore they were to be turned out of their dwelling. Oh, if you could produce such a document as the Protestant Tenantry Society Circular, from a Catholic, what a hand you would make of it. How you would triumph and rejoice at it. The right hon. Baronet the Member for Tamworth, promised that he would govern Ireland impartially. He must act with his friends. Who were his friends? Would he show him a single moderate Protestant amongst them? He knew he could show him plenty of furious partisans and Orangemen, such as the hon. and learned Member for Bandon. But the hon. and learned Gentleman had that night made a moderate speech. Did they ever hear such a one from him before? [Lord *Stanley:* Yes.]—Well, he was sure he never heard more immoderate speeches, both in length and matter. The last time he discussed with the hon. and learned Member a question of this description, he taunted the hon. and learned Member with being at a Brunswick meeting at Cork. The hon. and learned Gentleman utterly denied it, with great personal incivility. This was the report from the *Morning Post*.

> "He (Mr. O'Connell) had asked him whether he had not attended a meeting held in the city of Cork, in the year 1828, and there made a speech against Catholic Emancipation? And he would answer him, that never in the county of Cork or elsewhere—at a Brunswick or any other meeting—had he made a speech against emancipation. Had the hon. Gentleman known him, he would have known, as his (Sergeant Jackson's) friends well knew, that his opinions were favourable to Emancipation in 1828; but, with the experience he had of late years and a knowledge of the lamentable events which had occurred in certain quarters, were the question now before the legislature, he should ponder well before he gave his vote for the measure."

Well, he sent for the Cork papers of the date to which he referred, and he found that on the 12th of April, 1827, Counsellor Jackson was present at a meeting of the Brunswick Club, and that he delivered the following speech there;—

> "Counsellor Jackson said, it never before had fallen to his lot, to have to return thanks for an honour of the kind after dinner. He assured them he was deeply sensible of the compliment conferred upon him. He should always feel interested for the success of the Brunswick Club."

Why, this was to be one of the judges under the new regime, and it was right before the time arrived for his appointment that they should know who he was. When the right hon. Baronet said, that he would govern Ireland with impartiality, he was bound in point of courtesy to believe him; but this he told him, that no man, woman, or child in Ireland would place the least faith in his word. The Orange party called to mind their former ascendancy on his return to power—the Catholics remembered the associations of his government, and trembled. And why should they not? Did they not see him taking up the motion of the Earl of Roden, the grand master of the Orange lodges. The noble Lord possessed property in the town of Dundalk. The Catholics, from their numbers and the antiquity of their chapel, thought they were entitled to ask Lord Roden for the new site. They offered him any purchase money or rent he chose. He wrote, then, a taunting letter, saying their worship was idolatrous, and that he could not consent to their application. And that was the man whose opinions and sentiments must be carried into operation under the government of the right hon. Baronet. If it were not so late, there were many observations which he should be anxious to make upon those topics, for the introduction of which the Gentlemen opposite had presumed to insult him. Was it supposed that the accumulating millions of Ireland would hear with anything but disgust the attempt now made to restore the ascendancy of that unholy power by which they had been so grievously oppressed. Let not the members of the different sectarian parties whom he saw waiting for that unrighteous purpose imagine that they would obtain an easy victory over the people of Ireland, who had now been taught to agitate without violence There was but one true maxim in politics—that of being right. The people of Ireland were right. They required not merely executive but legislative relief, and they would have it. "English gentlemen," exclaimed the hon. and learned Member, "rally round an Orange ministry if you please;" but mark the warning which I, as the Representative of the Irish people, give you. I tell you that you may be tyrants, but we will not be slaves.

Sir *Francis Burdett* rose to address the House, and continued to speak for upwards of a quarter of an hour; but the loud and general cries of "Question" and "Divide!" which prevailed in every quarter of the House, prevented him from being heard. He was understood to state that he considered the course pursued by the noble Lord (Lord John Russell) as most unjustifiable—as being calculated to place the country in a position of great difficulty and danger, and as being in accordance with the views and feelings of the hon. and learned Member for Dublin, by whom, he had no doubt, it had been dictated.

Lord *J. Russell* then rose to reply amidst continued cries for a division. He said—Sir, had I been able to rise at an earlier period of the evening, I should certainly have made some observations on the speech of the noble Lord the Member for Lancashire; but at this late hour, and after the many able speeches which have been made in support of the motion which I have ventured to lay before the House, I shall certainly not feel justified in occupying your time for many minutes. Sir, it appears to me, that this motion has chiefly been opposed on two grounds, each very different from the other, if not quite contrary. The one is, that the vote to which the House of Lords came is not a censure, that it imputes no blame to the Government, and that it is therefore quite unnecessary to interfere with a proceeding which merely amounts to one of those ordinary cases of inquiry on which either House, at its discretion, is accustomed to enter. The other line which has been pursued by some of those who have resisted my motion is, that there is so much to blame in the Government of Lord Normanby that the House of Lords thought it necessary to institute an inquiry—that this inquiry is in the nature of a trial, and that at present the House ought not to offer any opinion, inasmuch as the trial has not come to a conclusion. Now, Sir, if the first of these grounds is to be relied upon, viz., that this is a mere ordinary case of inquiry and not a censure, then I say that this Government, so much as it has been attacked—so much as it has been calumniated—is, after all, not to be the subject of the inquiry in the other House of Parliament. There is, therefore, nothing to prevent this House from passing an opinion; for if there be no inquiry respecting us there can be no danger of a collision. But if the other ground is to be relied upon—the totally different and contrary ground that the House of Lords have thought proper to appoint a committee to draw up articles of impeachment, and have, therefore, appointed a committee of their own to conduct the whole matter of impeachment in their own House—if this is to be the ground relied upon, then, I say, let us come to a vote here, and decide whether a similar proceeding ought or ought not to be adopted in this House. The hon. Member for Wiltshire, in his able speech, as I understood, said that we ought to wait and see what the result of this trial would be. I ask, Sir, those acquainted with the proceedings of Parliament, when was there ever an instance in the constitutional history of the country, of this House sitting still without taking any proceedings whilst the House of Lords was examining the question of the final condemnation of a considerable part of the Executive Government of this country? Let us imagine this proceeding—let us suppose the House of Lords to have gone over the point, having first taken good care to have a majority in the committee—suppose them going over all these proceedings, and with as much decency as they can manage to put into it—and let us suppose that the resolutions which, for aught I know, are already drawn up by the Mover of the committee—resolutions containing neither more nor less than the speech circulated throughout the country—the speech of accusation and crimination made at the beginning—suppose, and it is no great stretch of supposition, that the resolutions should be drawn up in conformity with that speech, and then that this House should proceed to appoint another select committee to search the journals of the House of Lords, and then, for the first time, officially find, that the other House had undertaken to examine and decide upon the conduct of the Executive Government in Ireland—I ask, was the House of Commons ever placed in such a position as it would be placed in then? It is impossible for this House to judge and decide on the evidence of the House of Lords. It is meant to be said by those who hold up the authority of the House of Commons, that we have nothing to do but to wait for three or six months, or whatever time this inquiry may last, before we come to a decision upon the course of government adopted in Ireland? Are we totally unable to decide upon that Government? There was no part of the right hon. Baronet's speech which gave me greater satisfaction than where he said that if the amendment were not approved of he would come to a direct vote against the motion. That at least was right. It was right that the House of Commons should not place itself in so degrading and unparalleled a situation as to give no opinion on such a subject under such circumstances. They would now come to a decision one way or the other. Either they would approve of the Government of Ireland or they would come to a vote of censure, and in the latter case institute for themselves any proceeding which they might think proper, to criminate the late Lord-lieutenant for Ireland. The noble Lord the Member for Lancashire said, that if the House of Commons placed itself in contest with the House of Lords it would not gain by the position, and he went on to give a curious proof of this, because he referred to letters (which he confirmed by his own opinion) which stated that the evils of Ireland were deeply seated, that they had existed for a long period of years, and that they could not be traced to any immediate act of the Government of Lord Normanby. If that were the case, the noble Lord gave a complete contradiction to the vote of the House of Lords, which implied throughout, that these evils, these crimes, these atrocities were produced by the Government that had existed since 1835; and so satisfied did they seem that they were only to be traced back to that period, that beyond that point they did not think it necessary to make any inquiry whatever. There is another point in the observations of the noble Lord to which I must call the attention of the House. The noble Lord asks why I did not state in my resolution that the period it was intended to embrace was since 1835. It is true the motion of the House of Lords only affected the Government so far; but, if I had done so, there would be found a sufficient number of persons, evilly disposed towards the Government, to say that I wished to cast a stigma on the Governments of Lord Anglesey and Lord Wellesley. Now, having the greatest respect for Lord Anglesey, and an equal respect for Lord Wellesley, I certainly took the greatest pains not to have such a thing implied; and yet, notwithstanding all the care taken on that occasion, the noble Lord still maintains that such censure is actually implied. How much more so, then, would it not have been stated that such was my intention if I had stated a fixed period such as the noble Lord taunts me with not having done? How unfairly the noble Lord attacked the Government on that point is, therefore, before the House. The noble Lord then said that even should the resolution be carried to-night, nothing could come of it—nothing would be gained by the Government. In that proposition I entirely differ from my hon. Friend. I think a great deal will be gained by it, not alone for the Government, but for the country. The effect of the motion of the House of Lords in Ireland must be, if not neutralised by a vote of the House of Commons to create an impression on the minds of the people of that country that under the name of the House of Lords a new Government, in accordance with the feelings of that branch of the Legislature, would be appointed, and it would, moreover, have an effect greatly injurious to the character of the Government. But I am persuaded that the Government will not be defeated, nor the people of Ireland deserted, so long as they have a majority in the House of Commons. It is to that vote I appeal on the part of both. The hon. Baronet, who has just sat down, favoured me with a lecture on consistency—he is himself so very consistent as to be a model for every man in the House. Now, in regard to my consistency, I did not think, when I agreed to vote for the motion of my hon. and gallant Friend the Member for Worcester, in opposition to the House of Lords—I did not think I say, in giving that vote that I opposed myself to the constitution—Even though I concurred with my noble Friend opposite and the right hon. Baronet the Member for Pembroke in giving the strongest advice I could on the subject to the Sovereign. My opinion then was, and is now, that the executive Government of this country should not be placed in the hands of the House of Lords. And I think, moreover, that if they succeed in assuming it, far from its being a source of honour or peace to them, it will be but the commencement of a struggle which may end by putting their undoubted rights and privileges in the greatest danger.

The House divided on the question, that the words proposed to be left out stand part of the question:—Ayes 318; Noes 296; Majority 22.

List of the AYES.

Abercromby, hn. G.R.
Acheson, Viscount
Adam, Admiral
Aglionby, H. A.
Ainsworth, P.
Alston, R.
Andover, Viscount
Anson, hon. Colonel
Anson, Sir G.
Archbold, R.
Attwood, T.
Bainbridge, E. T.
Baines, E.
Bannerman, A.
Baring, F. T.
Barnard, E. G.
Barron, H. W.
Barry, G. S.
Beamish, F. B.
Bellew, R. M.
Bentinck, Lord W.
Berkeley, hon. H.
Berkeley, hon. G.
Berkeley, hon. C.
Bernal, R.
Bewes, T.
Blackett, C.
Blake, M. J.
Blake, W. J.
Blewitt, R. J.
Blunt, Sir C.
Bodkin, J. J.
Bowes, J.
Brabazon, Lord
Brabazon, Sir W.
Bridgeman, H.
Briscoe, J. I.
Brocklehurst, J.
Brodie, W. B.
Brotherton, J.
Brown, R. D.
Bryan, G.
Buller, C.
Buller, E.
Bulwer, Sir L.
Byng, G.
Byng, rt. hon. G. S.
Callaghan, D.
Campbell, Sir J.
Cave, R. O.
Cavendish, hon. C.
Cavendish, hon. G. H.
Cayley, E. S.
Chalmers, P.
Chapman, Sir M. L. C.
Chester, H.
Chetwynd, Major
Chichester, J. P. B.
Childers, J. W.
Clay, W.
Clayton, Sir W. R.
Clive, E. B.
Codrington, Admiral
Collier, J.
Collins, W.
Colquhoun, Sir J.
Conyngham, Lord A.
Cowper, hon. W. F.
Craig, W. G.
Crawford, W.
Crawley, S.
Crompton, Sir S.
Currie, R.
Curry, W.
Dalmeny, Lord
Dashwood, G. H.
Davies, Col.
Denison, W. J.
Dennistoun, J.
D'Eyncourt, rt. hon. C. T.
Divett, E.
Donkin, Sir R. S.
Duff, James
Duke, Sir J.
Duncombe, T.
Dundas, C. D. W.
Dundas, F.
Dundas, hon. J. C.
Dundas, Sir R.
Easthope, J.
Edwards, J.
Elliot, hon. J. E.
Ellice, Capt. A.
Ellice, rt. hon. E.
Ellice, E.
Ellis, W.
Erle, W.
Etwall, R.
Euston, Earl of
Evans, Sir De L.
Evans, G.
Evans, W.
Ewart, W.
Fazakerly, J. N.
Fenton, J.
Ferguson, Sir R.
Ferguson, Sir R. A.
Ferguson, R.
Finch, F.
Fitzalan, Lord
Fitzgibbon, hon. Col.
Fitzpatrick, J. W.
Fitzroy, Lord C.
Fitzsimon, N.
Fleetwood, Sir P. H.
Fort, J.
French, F.
Gillon, W. D.
Goddard, A.
Gordon, R.
Goring, H. D.
Grattan, J.
Grattan, H.
Greenaway, C.
Grey, rt. hon. Sir C.
Grey, rt. hon. Sir G.
Grote, G.
Guest, Sir J.
Hall, Sir B.
Hallyburton, Lord D. G.
Handley, H.
Harland, W. C.
Harvey, D. W.
Hastie, A.
Hawes, B.
Hawkins, J. H.
Hayter, W. G.
Heathcoat, J.
Heathcote, G. J.
Hector, C. J.
Heneage, E.
Heron, Sir R.
Hill, Lord A. M. C.
Hindley, C.
Hobhouse, right hon. Sir J.
Hobhouse, T. B.
Hodges, T. L.
Hollond, R.
Horsman, E.
Hoskins, K.
Howard, F. J.
Howard, P. H.
Howard, Sir R.
Howick, Lord Visct.
Hume, J.
Humphrey, J.
Hurst, R. H.
Hutt, W.
Hutton, R.
Ingham, R.
James, W.
Jervis, J.
Johnson, General
Kinnaird, hon. A. F.
Labouchere, right hn. H.
Lambton, H.
Langdale, hon. C.
Langton, W. G.
Leader, J. T.
Lefevre, C. S.
Lemon, Sir C.
Lennox, Lord G.
Lennox, Lord A.
Leveson, Lord
Lister, E. C.
Loch, J.
Lushington, C.
Lushington, rt. hn. S.
Lynch, A. H.
Macleod, R.
Macnamara, Major
M'Taggart J.
Maher J.
Marshall, W.
Marsland, H.
Martin, J.
Martin, T. B.
Maule, hon. F.
Melgund, Visct.
Mildmay, P. St. John
Moreton, hon. A. H.
Morpeth, Viscount
Morris, D.
Murray, A.
Murray, rt. hon. J. A.
Muskett, G. A.
Nagle, Sir R.
Norreys, Sir D.
O'Brien, C.
O'Brien, W. S.
O'Callaghan, hon. C.
O'Connell, D.
O'Connell, J.
O'Connell, M. J.
O'Connell, M.
O'Connell, M.
O'Connor, Don.
O'Ferrall, R. M.
Ord, W.
Paget, Lord A.
Paget, F.
Palmer, C. F.
Palmerston, Visct.
Parker, J.
Parnell, right hon. Sir H.
Parrott, J.
Pattison, J.
Pease, J.
Pechell, Captain
Pendarves, E. W. W.
Philipps, Sir R.
Philips, M.
Philips, G. R.
Philpotts, J.
Pigot, D. R.
Ponsonby, C. F. A. C.
Ponsonby, hon. J.
Power, J.
Power, J.
Price, Sir R.
Protheroe, E.
Pryme, G.
Pryse, P.
Ramsbottom, J.
Redington, T. N.
Rice, E. R.
Rice, right hon. T. S.
Rich, H.
Rippon, C.

Roche, E. B.
Roche, W.
Roche, Sir D.
Rolfe, Sir R. M.
Rumbold, C. E.
Rundle, J.
Russell, Lord J.
Russell, Lord
Russell, Lord C.
Salwey, Col.
Sanford, E. A.
Scholefield, J.
Scrope, G. P.
Seale, Sir J. H.
Seymour, Lord
Sheil, R. L.
Shelborne, Earl of
Slaney, R. A.
Smith, J. A.
Smith, B.
Smith, G. R.
Smith, R. V.
Somers, J. P.
Somerville, Sir W. M.
Speirs, A.
Spencer, hon. F.
Standish, C.
Stanley, M.
Stansfield, W. R. C.
Staunton, Sir G. T.
Stewart, J.
Stuart, Lord J.
Stuart, V.
Stock, Dr.
Strangways, hon. J.
Strickland, Sir G.
Strutt, E.
Style, Sir C.
Surrey, Earl of
Talbot, C. R. M.
Talbot, J. H.
Talfourd, Sergeant
Tancred, H. W.
Thomson, rt. hn. C. P.
Thornley, T.
Townley, R. G.
Troubridge, Sir E. T.
Turner, E.
Turner, W.
Verney, Sir H.
Vigors, N. A.
Villiers, hon. C. P.
Vivian, Major C.
Vivian, J. H.
Vivian, right hon. Sir R. H.
Walker, C. A.
Walker, R.
Wallace, R.
Warburton, H.
Ward, H. G.
Wemyss, J. E.
Westenra, hon. H. R.
Westenra, hon. J. C.
White, A.
White, H.
White, L.
Wilbraham, G.
Wilde, Sergeant
Wilkins, W.
Williams, W.
Williams, W. A.
Wilshere, W.
Winnington, H. J.
Wood, C.
Wood, Sir M.
Wood, G. W.
Worsley, Lord
Wrightson, W. B.
Yates, J. A.

TELLERS.

Stanley, E. J.
Steuart, R.

List of the Noes.

Acland, Sir T. D.
Acland, T. D.
A'Court, Captain
Adare, Viscount
Alford, Viscount
Alsager, Captain
Arbuthnott, hon. H.
Archdall, M.
Ashley, Lord
Ashley, hon. H.
Attwood, W.
Bagge, W.
Bagot, hon. W.
Bailey, J.
Bailey, J., jun.
Baillie, Colonel
Baker, E.
Baring, hon. F.
Baring, hon. W. B.
Barneby, J.
Barrington Viscount
Bateson, Sir R.
Bell, M.
Bentinck, Lord G.
Bethell, R.
Blackburne, I.
Blackstone, W. S.
Blair, J.
Blakemore, R.
Blandford, Marquess
Blennerhassett, A.
Boldero, H. G.
Bolling, W.
Bradshaw, J.
Bramston, T. W.
Broadley, H.
Broadwood, H.
Brownrigg, S.
Bruce, Lord E.
Bruges, W. H. L.
Buck, L. W.
Buller, Sir J. Y.
Burdett, Sir F.
Burr, H.
Burrell, Sir C.
Burroughes, H. N.
Calcraft, J. H.
Canning, rt. hn. Sir S.
Cartwright, W. R.
Castlereagh, Visct.
Chapman, A.
Christopher, R. A.
Chute, W. L. W.
Clerk, Sir G.
Clive, Visct.
Clive, hon. R. H.
Codrington, C. W.
Cole, hon. A. H.
Cole, Visct.
Colquhoun, J. C.
Compton, H. C.
Conolly, E.
Cooper, E. J.
Coote, Sir C. H.
Copeland, Alderman
Corry, hon. H.
Courtenay, P.
Cresswell, C.
Crewe, Sir G.
Cripps, J.
Dalrymple, Sir A.
Darby, G
Darlington, Earl
Davenport, J.
De Horsey, S. H.
Dick, Q.
D'Israeli, B.
Dottin, A. R.
Douglas, Sir C. E.
Dowdeswell. W.
Duffield, T.
Dugdale, W. S.
Dunbar, G.
Duncombe, hon. W.
Duncombe, hon. A.
Du Pre, G.
East, J. B.
Eastnor, Lord
Eaton, R. J.
Egerton, W. T.
Egerton, Sir P.
Egerton, Lord F.
Elliot, Lord
Ellis, J.
Estcourt, T.
Estcourt, T.
Farnham, E. B.
Farrand, R.
Feilden, W.
Fielden, J.
Fector, J. M.
Fellowes, E.
Filmer, Sir E.
Fitzroy, hon. H.
Fleming, J.
Foley, E. T.
Forester, hon. G.
Fox, G. L.
Freshfield, J. W.
Gaskell, J. Milnes
Gladstone, W. E.
Glynne, Sir S. R.
Godson, R.
Gordon, hon. Capt.
Gore, O. J. R.
Gore, O. W.
Goulburn, rt. hon. H.
Graham, right hon. Sir J.
Granby, Marquess
Grant, hon. Col.
Grant, F. W.
Greene, T.
Grimsditch, T.
Grimston, Visct.
Grimston, hon. E. H.
Hale, R. B.
Halford, H.
Harcourt, G. S.
Hardinge, right hon. Sir H.
Hawkes, T.
Hayes, Sir E.
Heathcote, Sir W.
Heneage, G. W.
Henniker, Lord
Hepburn, Sir T. B.
Herbert, hon. S.
Herries, rt. hon. J. C.
Hill, Sir R.
Hillsborough, Earl
Hinde, J. H.
Hodgson, F.
Hodgson, R.
Hogg, J. W.
Holmes, hon. W. A.
Holmes, W.
Hope, hon. C.
Hope, H. T.
Hope, G. W.
Hotham, Lord
Houldsworth, T.
Houstoun, G.
Hurt, F.
Ingestrie, Visct.
Inglis, Sir R. H.
Irton, S.
Irving, J.
Jackson, Sergeant
James, Sir W. C.
Jenkins, Sir R.
Jermyn, Earl
Jones, J.
Jones, W.
Jones, Captain
Kelly, F.
Kemble, H.
Kerrison, Sir E.
Ker, D.
Kirk, P.
Knatchbull, right hon. Sir E.
Knight, H. G.
Knightley, Sir C.
Knox, hon. T.
Lascelles, hon. W. S.
Law, hon. C. E.
Lefroy, rt. hon. T.
Lincoln, Earl of
Litton, E.

Lockhart, A. M.
Long, W.
Lowther, hon. Col.
Lowther, Lord
Lowther, J. H.
Lucas, E.
Lygon, hon. Gen.
Mackenzie, T.
Mackenzie, W. F.
Mackinnon, W. A.
Maclean, D.
Mahon, Visct.
Maidstone, Visct.
Manners, Lord C.
Marsland, T.
Marton, G.
Master, T. W. C.
Mathew, G. B.
Maunsell, T. P.
Maxwell, hon. S. R.
Meynell, Captain
Miles, W.
Miles, P. W. S.
Miller, W. H.
Milnes, R. M.
Monypenny, T. G.
Mordaunt, Sir J.
Morgan, C. M. R.
Neeld, J.
Neeld, J.
Nicholl, J.
Noel, W. M.
Norreys, Lord
O'Neill, hon. J. B. R.
Ossulston, Lord
Owen, Sir J.
Packe, C. W.
Pakington, J. S.
Palmer, R.
Palmer, G.
Parker, M.
Parker, R. T.
Parker, T. A. W.
Patten, J. W.
Peel, rt. hon. Sir R.
Peel, J.
Pemberton, T.
Perceval, Colonel
Perceval, hon. G. J.
Pigot, R.
Planta, rt. hon. J.
Plumptre, J. P.
Polhill, F.
Pollen, Sir J. W.
Pollock, Sir F.
Powell, Col.
Powerscourt, Visct.
Praed, W. M.
Praed, W. T.
Price, R.
Pringle, A.
Pusey, P.
Rae, rt. hon. Sir W.
Reid, Sir J. R.
Richards, R.
Rickford, W.
Rolleston, L.
Round, C. G.
Round, J.
Rushbrooke, Col.
St. Paul, H.
Sanderson, R.
Sandon Viscount
Scarlett, hon. J. Y.
Sheppard, T.
Shirley, E. J.
Sibthorp, Col.
Sinclair, Sir G.
Smith, A.
Smyth, Sir G. H.
Somerset Lord G.
Spry, Sir S. T.
Stanley, Lord
Stewart, J.
Stormont, Visct.
Sturt, H. C.
Teignmouth, Lord
Tennent, J. E.
Thomas, Col. H.
Thompson, Alderman
Thornhill, G.
Tollemache, F. J.
Trench, Sir F.
Trevor, hon. G. R.
Tyrell, Sir J. T.
Vere, Sir C. B.
Verner, Col.
Vernon, G. H.
Villiers, Lord
Vivian, J. E.
Waddington, H. S.
Wall, C. B.
Walsh, Sir J.
Welby, G. E.
Whitmore, T. C.
Wilbraham, hon. B.
Williams, R.
Williams, T. P.
Wilmot, Sir J. E.
Wodehouse, E.
Wood, Col. T.
Wood, T.
Wyndham, W.
Wynn, rt. hn. C. W.
Wynn, Sir W.W.
Yorke, hon. E. T.
Young, J.
Young, Sir W.

TELLERS.
Baring, H.
Fremantle, Sir T.

Lord *John Russell* put it to the House whether it would not be convenient to let the original motion pass without a division, as the hon. Member for Finsbury had expressed his determination to divide the House on his rider to the original motion; otherwise the House would have to divide three times in all.

Mr. *T. Duncombe* said, that he had at the commencement of the debate that evening declared his determination to move the rider on the original motion, if the amendment of the right hon. Baronet were not carried. He wished, therefore, to have his motion put.

Sir *Robert Peel* would be satisfied to have the original motion put and determined without a division, it being understood, that those who had voted with him in favour of the amendment should be considered to negative the resolution.

Sir *S. Lushington* trusted, the hon. Member for Finsbury (Mr. T. Duncombe) would not press the House to a division, under existing circumstances. There were many hon. Members, among whom were some of the warmest friends to further reform, who, if the question were put without discussion, could not conscientiously vote for it. The terms of the question were too vague without elucidation by the hon. Member and an understanding of what points of reform were involved. It was very unfair, therefore, that the House should be forced to a division without discussion. He hoped the hon. Member would pause in the course he had expressed it his determination to pursue. If not, the motion would be negatived by many who had not the slightest intention to injure the cause of reform by their votes, and he, for one, should be compelled to vote against it and abide by the consequences.

The House divided on the question, to add the words, "And that it is also expedient to effect such further reforms in the Representation of the People in Parliament as shall conduce to their contentment, and to the security and welfare of the Kingdom at large":—Ayes 81; Noes 299; Majority 218.

List of the AYES.

Aglionby, H. A.
Attwood, T.
Bainbridge, E. T.
Berkeley, hon. H.
Bewes, Thomas
Blake, M. J.
Blewitt, R. J.
Bodkin, J. J.
Brabazon, Sir W.
Brown, R. D.
Bryan, G.
Chapman, Sir M. L. C.
Chichester, J. P. B.
Codrington, Admiral
Collier, J.
Collins, W.
Crawley, S.
Currie, R.
Dashwood, G. H.
Dennistoun, J.
Duke, Sir J.
Dundas, C. W. D.
Dundas, hon. J. C.
Dundas, Sir R.
Easthope, J.
Ellis, W.
Etwall, R.
Evans, Sir De L.

Evans, G.
Ewart, W.
Fielden, J.
Fenton, J.
Finch, F.
Gillon, W. D.
Grote, G.
Hall, Sir B.
Harvey, D. W.
Hector, C. J.
Hill, Lord A. M. C.
Hodges, T. L.
Hollond, R.
Hume, J.
Hutt, W.
Jervis, J.
Jervis, S.
Johnson, General
Langdale, hon. C.
Langton, W. G.
Lister, E. C.
Marsland, H.
Martin, J.
Muskett, G. A.
O'Callaghan, hon. C.
O'Connell, J.
Parrott, J.
Pattison, J.
Phillpotts, J.
Power, J.
Protheroe, E.
Ramsbottom, J.
Rippon, C.
Roche, E. B.
Roche, Sir D.
Rundle, J.
Salwey, Colonel
Scholefield, J.
Seale, Sir J. H.
Speirs, A.
Strickland, Sir G.
Tancred, H. W.
Thornely, T.
Turner, E.
Vigors, N. A.
Villiers, hon. C. P.
Wakley, T.
Wallace, R.
Warburton, H.
Ward, H. G.
Wemyss, J. E.
White, A.
Williams, W.

TELLERS.

Duncombe, T.
Leader, J. T.

List of the Noes.

Abercromby, hn.G.R.
Acheson, Viscount
Acland, Sir T. D.
Acland, T. D.
A'Court, Captain
Adam Admiral
Adare, Visct.
Alsager, Captain
Alston, R.
Andover, Visct.
Anson, hon. Col.
Anson, Sir G.
Archbold, R.
Attwood, W.
Baillie, Colonel
Baines, E.
Baker, E.
Bannerman, A.
Baring, F. T.
Baring, H. B.
Barrington, Visct.
Barry, G. S.
Beamish, F. B.
Bentinck, Lord G.
Berkeley, hon. G.
Berkeley, hon. C.
Blackburne, I.
Blake, W. J.
Blakemore, R.
Blandford, Marquess
Blennerhasset, A.
Blunt, Sir C.
Boldero, H. G.
Bowes, J.
Brabazon, Lord
Bridgeman, H.
Briscoe, J. I.
Broadley, H.
Brodie, W. B.
Brownrigg, S.
Buck, L. W.
Buller, C.
Buller, E.
Byng, G.
Byng, rt. hon. G. S.
Callaghan, D.
Campbell, Sir J.
Canning, right hon. Sir S.
Cavendish, hon. C.
Cavendish, hon. G. H.
Cayley, E. S.
Chalmers, P.
Chetwynd, Major
Childers, J. W.
Christopher, R. A.
Clay, W.
Clayton, Sir W. R.
Clerk, Sir G.
Clive, E. B.
Cole, Viscount
Colquhoun, Sir J.
Colquhoun, J. C.
Courtenay, P.
Cowper, hon. W. F.
Craig, W. G.
Crawford, W.
Cripps, J.
Crompton, Sir S.
Dalmeny, Lord
Darby, G.
De Horsey, S. H.
Divett, E.
Donkin, Sir R. S.
Dowdeswell, W.
Duff, J.
Dunbar, G.
Dundas, F.
Eastnor, Visct.
Eaton, R. J.
Egerton, W. P.
Egerton, Sir P.
Elliot, hon. J. E.
Ellice, Captain A.
Ellice, rt. hon. E.
Erle, W.
Estcourt, T.
Evans, W.
Farnham, E. B.
Fazakerley, J. N.
Feilden, W.
Fellowes, E.
Ferguson, Sir R.
Ferguson, Sir R. A.
Ferguson, R.
Filmer, Sir E.
Fitzalan, Lord
Fitzroy, Lord C.
Fitzsimon, N.
Fleetwood, Sir P. H.
Fox, G. L.
Fremantle, Sir T.
French, F.
Freshfield, J. W.
Gladstone, W. E.
Gordon, R.
Goring, H. B.
Graham, right hon. Sir J.
Grattan, H.
Greene, T.
Greenaway, C.
Grey, rt. hon. Sir C.
Grey, rt. hn. Sir G.
Grimsditch, T.
Grimston, Viscount
Hale, R. B.
Handley, H.
Harcourt, G. S.
Hardinge, right hon. Sir H.
Harland, W. C.
Hastie, A.
Hawes, B.
Hawkes, T.
Hawkins, J. H.
Hayter, W. G.
Heathcoat, J.
Heneage, E.
Heneage, G. W.
Hepburn, sir T. B.
Herbert, hon. S.
Heron, Sir R.
Hinde, J. H.
Hindley, C.
Hobhouse, right hon. Sir J.
Hobhouse, T. B.
Hodgson, R.
Holmes, hon. W. A'C.
Holmes, W.
Hope, hon. C.
Hope, G. W.
Horsman, E.
Hoskins, K.
Houstoun, G.
Howard, P. H.
Howard, Sir R.
Howick, Visct.
Hurst, R. H.
Hutton, R.
Ingham, R.
Inglis, Sir R. H.
Jackson, Sergeant
Jermyn, Earl
Jones, J.
Jones, W.
Kemble, H.
Kinnaird, hon. A. F.
Kirk, P.
Knight, H. G.
Knightley, Sir C.
Labouchere, right hon. H.
Lefevre, C. S.
Lennox, Lord G.
Lennox, Lord A.
Leveson, Lord
Litton, E.
Loch, J.
Lockhart, A. M.
Long, W.
Lushington, C.
Lushington, rt. hn. S.
Lygon, hon. Gen.
Lynch, A. H.
Mackenzie, T.
Mackenzie, W. F.
Macleod, R.
Macnamara, Major
M'Taggart, J.
Maher, J.
Mahon, Viscount
Manners, Lord C. S.
Marshall, W.
Martin, T. B.
Master, T. W. C.
Maule, hon. F.
Melgund, Visct.
Mildmay, P. St. John
Miles, W.
Miles, P. W. S.
Mordaunt, Sir J.
Moreton, hon. A. H.
Morpeth, Viscount
Murray, A.
Murray, rt. hn. J. A.
Neeld, J.
Norreys, Sir D. J.
O'Connell, M. J.
O'Ferrall, R. M.
Ossulston, Lord
Owen, Sir J.
Packe, C. W.
Paget, Lord A.
Pakington, J. S.

Palmer, C. F.
Palmerston, Viscount
Parker, J.
Parker, M.
Parker, R. T.
Parnell, rt. hon. Sir H.
Pease, J.
Peel, rt. hon. Sir R.
Pendarves, E. W. W,
Philipps, Sir R.
Philips, M.
Philips, G. R.
Pigot, D. R.
Planta, rt. hon. J.
Plumptre, J. P.
Ponsonby, C. F. A. C.
Ponsonby, hon. J.
Power, J.
Praed, W. T.
Price, Sir R.
Price, R.
Pryme, G.
Pusey, P.
Rae, rt. hon. sir W.
Redington, T. N.
Reid Sir J. R.
Rice, E. R.
Rice, rt. hon. T. S.
Rich, H.
Richards, R.
Roche, W.
Rolfe, Sir R. M.
Round, C. G.
Round, J.
Russell, Lord J,
Russell, Lord C.
Sandon, Viscount
Sanford, E. A.
Scarlett, hon. J. Y.
Scrope, G. P.
Seymour, Lord
Shelburne, Earl
Sheppard, T.
Shirley, E. J.
Slaney, R. A.
Smith, J. A.
Smith, B.
Smith, G. R.
Smith, R. V.
Spencer, hon. F.
Standish, C.
Stanley, Lord
Stansfield, W. R. C.
Stewart, J.
Stewart, J.
Stuart, Lord J.
Stuart, V.
Stock, Dr.
Strangways, hon. J.
Strutt, E.
Style, Sir C.
Surrey, Earl of
Talbot, C. R. M.
Talbot, J. H.
Talfourd, Sergeant
Teignmouth, Lord
Thomas, Col. H.
Thomson, right hon. C. P.
Thornhill, G.
Townley, R. G.
Troubridge, Sir E. T.
Vivian, Major C.
Vivian, J. H.
Vivian, right hon. Sir R. H.
Waddington, H. S.
Walker, C. A.
Walsh, Sir J.
Westenra, hon. H. R.
Westenra, hon. J. C.
Whitmore, T. C.
Wilbraham, G.
Wilbraham, hon. B.
Wilde, Sergeant
Wilkins, W.
Williams, R.
Williams, W. A.
Wilshere, W.
Winnington, H. J.
Wodehouse, E.
Wood, C.
Wood, G. W.
Wood, T.
Worsley, Lord
Wrightson, W. B.
Wyndham, W.
Wynn, rt. hon. C.
Wynn, Sir W. W.
Young, J.

TELLERS.
Stanley, E. J.
Steuart, R.

Paired Off.

Douro, Lord	Duncan, Lord
Dungannon, Lord	Wyse, T.
Campbell, Sir H.	Campbell, W. F.
Hughes, B.	Winnington, T. E.
Johnstone, H.	Sharpe, General
Liddell, hon. N. T.	Stanley, W. O.
Rose, rt. hn. Sir G.	Milton, Lord
Rushout, G.	Busfield, W.
Stanley, E.	Aglionby, Major
Sugden, right hon. Sir E.	Pinney, W.

Absent.

MINISTERIALISTS.
Benett, J.
Butler, hon. P.
Clements, Lord (abroad)
Grosvenor, Lord R. (abroad)
Heathcote, Sir G.
Jervis, S.
Molesworth, Sir W.
Wakley, T.
White, S. (abroad)

CONSERVATIVES.
Attwood, M. (ill)
Damer, hon. G. D. (abroad)
Follett, Sir W. (ill)
Gibson, T.
Harcourt, G. (Oxfordshire (abroad)
Howard, hon. W.
Shaw, right. hon. F.

Vacant.

Ayrshire, Carlow, and Tyrone.

Analysis of the House of Commons on the Division on Lord John Russell's Motion, April 19.

Voted for Lord John Russell's resolution (tellers included) - -	320
Voted for Sir Robert Peel's amendment (tellers included) - -	298
Pairs (10) - - - -	20
Absent—Ministerialists - - -	9
Conservatives - -	7
Vacant—Ayrshire, Carlow, Tyrone -	3
Speaker - - - -	1
Total - -	658

HOUSE OF LORDS,

Monday, April 22, 1839.

MINUTES.] Petitions presented. By the Marquess of DOWNSHIRE, Lord BROUGHAM, Lord HATHERTON, Lord RADNOR, and the Earl of STRADBROKE, from a great number of places, for a Uniform Penny Postage.—By Earl STANHOPE, and Lord BROUGHAM, for Amending the New Poor-law Act.—By the Bishop of ST. ASAPH'S, from a place in Wales, against the Union of the Sees of Bangor and St. Asaph's.—By Lord HADDINGTON, from two places, for Church Extension in Scotland.—By Lord LYNDHURST, from some place, against the Repeal of the Corn-laws.—By Lord BROUGHAM, from Lichfield, against the Beer Act; from Kenaway, for the Repeal of the Corn-laws; from Wigton, against any further Grant to the Scotch Church.

ILLEGAL MARRIAGES.] The Earl of *Radnor* had to call their Lordships' attention to a petition from the guardians of the poor of a union in Essex, which called on the Legislature to take into their consideration the enactments respecting illegal marriages. It appeared, that in the usual course of proceeding, the proper officer had received notice of an intended marriage between a bachelor of the name of Morgan and a widow of the same name. In consequence of some inquiries that were made, it was found that the woman was the widow of Morgan's brother; and the illegal marriage was therefore stopped. The parties left the place, but came down soon afterwards as man and wife, the marriage having been solemnized in London. To prevent, in future, proceedings of this objectionable nature, the petitioners were anxious that some legal measure should be adopted.

GOVERNMENT OF IRELAND.] The Earl of *Radnor* said, he saw in a newspaper, on Saturday morning, that he had on the preceding evening been appointed on the committee to inquire into the cause of crime in Ireland. He begged leave to move, as he did not approve of the appointment of that committee, that he should be discharged from all attendance on it.

The Earl of *Roden* moved that the Earl of Stradbroke be appointed on the committee in place of the Earl of Radnor.—Ordered.

DEANERY OF EXETER.] Viscount *Melbourne* moved the Order of the Day for the second reading of the Dean of Exeter Appointment Bill. He observed, that the amendments made by the Commons in a bill the title of which was the Ecclesiastical Appointments Suspension Act in Part Repeal Bill, were of a nature such as would make it more consonant with their Lordships' practice to have a new bill introduced than that they should pass the measure then on their Table in the form in which it at present stood. The House was aware that before any person could be eligible to the office of Dean of any cathedral, he must either have been a prebendary or a canon residentiary, or in some places both. It could not be the intention of the House to interfere with the appointment to the deanery of Exeter, although there was an Act to suspend, under certain circumstances, the appointment of other canons residentiary. The dean was an officer of great honour and dignity in the church, and of great utility and importance. It was desirable, it was even necessary to the business of the chapter, that the place should not remain vacant. The object of the present bill was to enable the dean to be appointed, and for that purpose it became necessary to authorize the appointment, as a canon residentiary and prebendary, of the individual on whom it was intended to bestow the office of dean. He concluded by moving that the bill be read a second time.

The Bishop of *Exeter* should not oppose the second reading, but reserve the amendments which he intended to bring forward for consideration in the committee. The bill provided, that nothing should prevent the appointment of any ecclesiastical person to any vacancy amongst the prebends and canons residentiary. That, he begged to observe, was the point at issue between the chapter of Exeter and the Crown. If the bill were passed, it would be nothing less than requiring the chapter to elect a person for a certain specified purpose, while they insisted upon the perfect right of free election. He wished to know from the noble Viscount at the head of the Administration, if he would put the House in possession of the correspondence which had taken place between the Government and the chapter of Exeter upon this subject.

Viscount *Melbourne* was of opinion that that correspondence was confidential.

The Bishop of *Exeter* considering the noble Viscount to fill a higher character than that even of a Member of the House, desired to know from him if the chapter had not claimed the right of free election?

Viscount *Melbourne* declined giving an answer.

Bill read a second time.

HOUSE OF COMMONS,

Monday, April 22, 1839.

MINUTES.] Bill. Read a second time:—Imprisonment for Debt Act Amendment.

Petitions presented. By Lord A. PAGET, from Lichfield, for a Uniform Penny Postage.

MALTA.] Mr. *Hawes* wished to know from the right hon. the Under-secretary for the Colonies, whether he had any objection to lay before the House the third report of the commissioners at Malta; and also a copy of the law lately promulgated in that island relating to the liberty of the press, together with any comments attached to it? He likewise wished to know whether the right hon. Gentleman would state whether the Government had agreed to the recommendation of the commissioners, to abolish the Vice-Admiralty Court at Malta.

Mr. *Labouchere* said, that it was his intention to lay the papers alluded to on the Table of the House, which would give the hon. Member all the information he required on the first and second points. As to the recommendation of the commissioners, he could not go into the answer to that question without accompanying his answer with explanations which it would be inconvenient to the state of other business in the House, to go into at that moment.

JAMAICA—(SUSPENSION OF THE CONSTITUTION.)] Mr. *Labouchere,* in moving the Order of the Day for the second reading of this Bill, said he would briefly state the course which he intended to pursue. He would propose, that the second reading should take place without discussion; and then that counsel should be called in and heard. This was the course adopted in the case of the bill of last year respecting the Canadas. He would propose that the discussion should take place on the next stage of the bill, with, of course, this understanding, that no Member would be pledged by assenting to the second reading to any support of it at a future stage, if he should see cause to oppose it.

Sir *Robert Peel* said, he would take that opportunity of stating the course which he intended to pursue. In the first place, he should offer no objection to the course suggested by the right hon. Gentleman; he would now consent, therefore, to the second reading of the bill, before the hearing of counsel, with, of course, the distinct understanding, that he was not pledged thereby to an acquiescence in it at any future stage. Supposing then, that other Members were of the same opinion, the bill would be read a second time *pro formâ*, and then counsel would be heard against it. But then came the question, what course would the House take immediately after the counsel should have concluded? It was now seven o'clock, and it was only now that the public business might be said to have commenced. Counsel were not, in general, very moderate in the length of their addresses; at all events, it was uncertain to what length their statements would extend. There were two, he understood, to appear in support of different parties. [An hon. *Member* said there were three.] That would make the time the longer, and the termination still more uncertain; and therefore it did appear to him, that it would not be convenient to proceed further with the bill that night, after counsel should have concluded. He would go farther than the right hon. Gentleman, and consent to having the bill committed, and have the discussion on the question, that the Speaker do leave the Chair. He would now say a word as to his own views on some points connected with this measure, and he did so because he did not consider it as a party question; and therefore, any statement of his opinions on any part of it, would not compromise any of the party with which he was connected in supporting or opposing it. His opinion was, that Parliament should adhere to the Prisons' Bill. That, he thought, was a necessary course. At the same time he did think it would be wise, when they were about to suspend the constitution of Jamaica for five years, and to impose taxation to a considerable extent by a Government which was any thing but popular in its form—he did think that before adopting that course, they should see whether they could not find out some other alternative. He would wish to give to the local government of Jamaica an opportunity of reconsidering their course; by this he did not mean that the Imperial Parliament should abandon the Prisons' Bill. They must contend for their right to pass and to adhere to that measure, and so express themselves to the House of Assembly, while they gave the House of Assembly the opportunity of re-considering the measures it had adopted. At the same time he would admit, that it might be necessary to provide for the contingency of the House of Assembly continuing refractory, and if her Majesty's Government should convince him of the necessity of providing for such a contingency, he would consent to confide to them power to carry on for a time the government of Jamaica until Parliament should decide otherwise; and, if it could be further shown, that public business would be prejudiced by any delay, he would not object to go on with the bill; he would not make any opposition to its proceeding. He, therefore, would not object to the second reading of the bill now, and to go to the consideration of it in committee, but he still thought, that some reasonable time should be allowed for the consideration of the arguments of counsel. If the Government thought his opinion reasonable, they would adopt it. It was possible, that after hearing counsel he might be convinced, that the bill was proper and necessary, in which case he would agree to it.

Mr. *Labouchere* said, he could not take upon himself the responsibility of delaying the measure. He could assure the right hon. Baronet, that it had not been introduced without the most mature consideration and the strongest conviction of its necessity. It was therefore of importance that it should not be delayed. Some hon. Members might not wish to proceed with the discussion immediately after the hearing of counsel; but he would put it to the House, whether it might not be inconvenient that the arguments of counsel should go without the opportunity of having them answered. If, however, the right hon. Baronet did not wish that they should go on immediately after hearing counsel, he would not object; but he hoped, that as little delay as possible would be interposed, before the House should pronounce an opinion upon the question. It was also of the utmost importance, that the House of Assembly of Jamaica should not be left in ignorance of that decision, but should be made acquainted with it as soon as possible.

Sir *R. Peel* said, that the right hon. Gentleman had altogether misunderstood him. He had no wish or intention to offer any opposition to the progress of the bill. He had no wish to postpone it unnecessarily. He would only say, that as the evening was now much advanced, and as it seemed to be the rule, that they were to be called upon to adjourn at twelve, they might not have more than an hour or two for discussion after counsel should have concluded. He spoke of this as a matter of convenience to the House, but without a wish to offer any impediment to the discussion of the question.

Bill read a second time.

It was then ordered (on the motion of Sir R. H. Inglis) that Mr. Burge be heard as counsel for the House of Assembly, and (on the motion of Mr. Godson), that Mr. Sergeant Merewether be heard for the people of Jamaica.

These gentlemen were called in, and Mr. Burge addressed the House at great length.* Further hearing of counsel adjourned.

HOUSE OF LORDS,

Tuesday, April 23, 1839.

MINUTES.] Petitions presented. By the Earls of VERULAM, GREY, CAMPERDOWN, RADNOR, and MINTO, and Lords BROUGHAM and LYNDHURST, from a number of places, for a Uniform Penny Postage.—By Earl STANHOPE, from a place in Somersetshire, against the Poor-law Amendment Act.—By the Marquess of BUTE, from the Synods of Glasgow and Ayr, for the Repeal of the Catholic Emancipation Act; from two places, for Church Extension in Scotland; and from another place, for Church Extension in Canada.—By the Marquess of DOWNSHIRE, from Newbury, against any further Grant to Maynooth College; and against the injurious influence of the Catholic Members upon the Established Church.

MULLINGAR.] The Marquess of *Westmeath* said, that some time ago the noble Marquess opposite had laid on the table certain papers relative to an inquiry respecting proceedings that had taken place at Mullingar. But these not appearing to him to afford sufficient information, he had on a subsequent occasion moved for the production of additional papers. Since that, however, he had heard nothing on the subject. His name had, in the course of the correspondence, been, as he conceived, most improperly introduced by the noble Marquess and Lieutenant Drummond, the noble Marquess's secretary. It was natural for him, under the circumstances, to feel and to express some anxiety as to the time when those additional papers would be laid before the House; and therefore he should the day after to-morrow move that they be produced forthwith.

The Marquess of *Normanby* said, he had written to the proper officer some time since, to remind him that such papers were called for, and to press for their speedy production. He could assure the noble Marquess that not the least desire existed on his part, or on the part of others, to delay the production of the papers, or to withhold from the noble Marquess all the information he desired. He was not aware that the name of the noble Marquess had been improperly used.

The Marquess of *Westmeath* said his name had been used in the abuse of official power. The noble Marquess might now think that this was a trivial matter, but at a future time he might not perhaps consider it of so light a nature as he did at present.

DEANERY OF EXETER.] Viscount *Melbourne* moved, that the House go into a Committee on the Deanery of Exeter appointment Bill.

The Bishop of *Exeter* said, when on the preceding evening the Deanery of Exeter Bill was under consideration, it would be in the recollection of the House, that the noble Viscount at the head of her Majesty's Government was pleased to say on that occasion, that the Chapter of Exeter, as he understood, did not claim the free election of the dean, but that they were recommended to claim free election by their Bishop. As to any recommendation which he had given, he was perfectly ready to explain and justify it. But he had to remind the noble Viscount, that he had appealed to him at the time to which he alluded, as filling a higher character than that even of a Member of their Lordships' House—as a man of veracity and honour—whether he had not perceived in the correspondence that had taken place on this subject, that a claim to free election was put forth by the Chapter? That appeal not having been answered, he then gave notice that he should this day move that certain papers illustrative of the claim of the Chapter of Exeter to free election should be laid before their Lordships. An objection was made to the production of these documents which certainly carried some weight with it—namely, that great inconvenience would arise from laying before the House matters connected with private and confidential opinions, and the correspondence between the noble Viscount and the Chapter of Exeter was, it appeared, considered in that light. That being the case, he did not mean to persist in the motion of which he had given notice; but he should address himself to that part of the speech of the noble Viscount in which the noble Viscount said, that the Chapter of Exeter, as he understood, had not claimed the right of free election, but that the Bishop was desirous to recommend that course. Now, he held in his hand the letter from the Bishop of Exeter to the Chapter, dated the 10th of April, 1839. It was a long letter, but he should read from it all that related to this particular point. The noble Viscount knew that he had no objection to this recommendation of his coming to the hands of the noble Viscount. When he was written to by the noble Viscount for the purpose of inducing him to aid in placing in this situation the person nominated by the Crown, he had answered that he would give no assistance, but that he would state to the Chapter what were his views and feelings on the subject. He should now, with the permission of the House, read the recommendation which he had given on the subject of the right of free election in the Chapter of Exeter. He there said—

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* Mr. Burge's speech was published in a pamphlet, which we mention for the information of any persons studying the question, but it is not thought necessary to reprint it in these debates.

"In the outset I must entreat the Chapter to bear in mind the peculiar position in which I may be placed in the further progress of this affair. If, indeed, my own personal feelings only were concerned, I should not think of troubling the Chapter on the subject, but I address them as their Bishop, as, in that character, having not only the right and the duty of judicially confirming their election, but also the solemn obligation of an oath, taken at my enthronization, 'to defend the rights and liberties of this Church.' That oath, with God's blessing, I will faithfully observe and keep; and in keeping it, I cannot doubt that I shall have the full and fair co-operation of the body, whose cause I am bound to maintain. Now, of 'all the rights and liberties of this Church,' the right of free election of its head, the Dean, if it legally belong to the Chapter, must be considered one of the most important. This is not the time when it would become me, even if I were fully informed and resolved (which I am not), to pronounce a decisive judgment. But enough has passed, and is notorious, to justify me in entreating the Chapter to give their close attention to the question respecting the right, to satisfy themselves fully upon this point, and if they shall be satisfied that the right is theirs, to assert and act upon it. This appears to me to be not too much to expect of them, in co-operation with their Bishop, who, I repeat, is bound by his oath to defend that right, if it exist, and is resolved to observe the oath by which he is bound. Having thus stated what I think to be the duty of the Chapter, if they shall, on due consideration, be satisfied that they have the right of free election, let me now as explicitly state what I think ought to be their course, if they shall be satisfied that they have not the right. In that case, I hope that they would not only not resist the claim of the Crown, but that they would afford every due facility in giving effect to it, by suggesting and forwarding any expedient which their knowledge of the statutes and usages of the Church may enable them to propose. But a third case may be put, as one very likely to arise—that, without being fully satisfied, they may have a strong inclination of their judgment. Now, if this should happen, I must not scruple to avow, that in my opinion the Chapter, having undeniably a *primâ facie* right of free election, ought not to surrender it to any less authority than the decision of a court of law, or at least the plainly and distinctly expressed opinion of some great lawyer, as Sir W. Follett eminently is, consulted by themselves, on their own behalf, and thus made responsible for the opinion that they have not by law a right of free election. Without such an authority, if they surrender, they will, I fear, lay themselves open to the just reproach of sacrificing the rights and liberties of the body, which it is their and my common duty to defend, and, as far as in us lies, to perpetuate."

Such (continued the right rev. Prelate) was the advice which he had tendered to the Chapter. The noble Viscount had now heard what he had written to the Chapter. He, acting in the performance of his sworn duty as Bishop, required of the Chapter to assert their rights, if such rights they had; but if the right of free election was not in the Chapter, then he counselled them not to resist the claim of the Crown, but to afford every facility for carrying it into effect. He had thus guarded himself against the supposition, that he meant to recommend resistance; though some persons had declared, and most erroneously considered, that he had recommended that course. The last person who ought to have made such a suggestion as the noble Viscount had last night made was the noble Viscount himself, and if the noble Viscount recollected what he had written on the subject, he would feel that this was the fact. He alluded to a letter addressed by the noble Viscount to another noble Viscount, a Roman Catholic Peer, connected with Ireland, who, however, had not been chosen a Representative Peer for that part of the United Kingdom. That letter was written in reply to an application made to the head of the Government, recommending a clergyman whom that Roman Catholic Peer thought to be a fit and proper person to receive the appointment to the Deanery of Exeter. The noble Viscount, the first Minister of the Crown, couched his reply in those terms of courtesy which he always used whenever he took pen in hand, for then he was deliberate and calm. The letter contained expressions of regret at being unable to comply with the request preferred to him, adding that the Deanery of Exeter was not in the gift of the Crown. If the noble Viscount never had written any such letter, he begged that he might be then interrupted, and if wrong, set right. [Lord *Melbourne* said, it was very likely that he had written some such letter.] The occurrence was not only likely, but had actually taken place. He was ready to mention names and dates. The clergyman who had been so recommended lived in the capital town of the county in which the noble Viscount from whom the application proceeded resided, and so delighted was that rev. person with being made the subject of correspondence between the first Minister of the Crown and the noble Lord in his neighbourhood, that he went about the streets of the town, showing the letter of the noble Viscount on the Treasury Bench, in which there was an excuse offered for refusal on the ground that the appointment was not in the Crown. An account of this correspondence reached him (the Bishop of Exeter) a day or two before the meeting of the Chapter, and he lost no time in making them acquainted with the facts. His communication on this subject reached the Chapter at the same time with the letters patent from her Majesty, recommending the appointment of Lord Wriothesley Russell. Was it after that to be supposed, that the Chapter would take it as a matter of course, that they were bound to appoint the individual whom the Crown recommended? The correspondence which ensued, clearly showed that the Chapter had never given up its right of free election. He would now, with the permission of the House, read an extract from a statement made on this subject by the precentor; it was dated March 27, 1839:—

> "The law officers of the Crown and Sir William Follet have given their joint opinion, that 'according to the usage and the charter, the Dean must necessarily be elected from the body of prebendaries.' We consider this opinion communicated to us by Sir William Follett, to be decisive, both in its letter and spirit, that the Deanery of Exeter is not in the appointment of the Crown, but in the election of the Chapter. My letter of the 23d informed your Lordship of the intention of the Chapter to elect."

On the 4th of April the Chapter had a meeting, at which they agreed to this minute,—

> "That the Chapter are advised, that under the charter of erection, and the usage that has prevailed, the appointment to the Deanery of Exeter is not, and never was, legally vested in the Crown; that it is an elective office to which the Chapter must elect one of their own body; that for nearly 300 years the usage has been to elect one of the prebendaries who had previously been elected a canon residentiary; that the Chapter has been in the habit, in the election of their Deans, of receiving the letters patent as conveying no more than the recommendation of the Crown, but whilst they do not admit that they are bound by that recommendation, the present body have no wish to depart from that usage, provided the person recommended be duly qualified according to the custom of their Church."

On the Saturday following, one of the prebendaries was sent to London under the authority of the great Chapter, a body which, when full, consisted of twenty-four members. Dr. Bull, who came to London on this mission, addressed on the 20th of this month a letter to the noble Viscount at the head of the Government, which he would then, with their Lordships' permission, read to the House:—

> "On the 10th of April, the great Chapter met on a special summons to take the whole case of the vacant Deanery, with the opinions of the law officers of the Crown and Sir William Follett, into their consideration. It was then found, that the prebendaries present were adverse to any legislative interferences. They desired to abide by the law as it stood, thinking it unfair that the restrictions which the Ecclesiastical Appointments Suspension Act imposed on all parties should be partially removed."

In fact, my Lord, all parties were influenced by one motive, and one only—to pay as much respect as possible to the wishes of the Crown consistently with the due maintenance of those rights which they believed to belong to the several members of their cathedral in their respective stations—the greater Chapter, the lesser Chapter, and the visitor—rights which they had all and each most solemnly sworn to defend. I have now only to add, that unless the great Chapter should recede from the opinion contained in the enclosed minute, and give up their objection to any partial legislative interference, the lesser Chapter of residentiaries would, I apprehend, feel very considerable difficulty in proceeding to elect Mr. Grylls into their body in the face of that minute, and without the certainty that he would finally become Dean. It was plain from this, that the great Chapter claimed the right of free election. Having thus put the House in possession of the facts connected with these proceedings, and laid before them the views of the parties concerned from the documents to which he had referred, he should not trouble their Lordships further, and should not oppose the motion, that the House resolve itself into a Committee.

Viscount *Melbourne* said, that he was glad that the right rev. Prelate had given up his intention of moving for documents, the production of which would unquestionably be liable to objection. He conceived that the statement made by the right rev. Prelate very little altered or varied the case. What he had stated was, that the Chapter of Exeter had never claimed the right to free election. He did not mean to say, that they had not reserved any right which they might have, but that they had given up the claim to free election, for, admitting that for three hundred years the appointment had always been made on the recommendation of the Crown, throughout the whole course of the correspondence the Chapter represented to him over and over again that it was not their intention to depart from the usual course and practice. Though they reserved the right they had, yet there was not, in any part, an assertion in fact or reality of the power of free election. He thought that the right rev. Prelate had strongly recommended the Chapter to insist upon the right to free election. He had taken that upon the representations of those to whom the right rev. Prelate wrote the letter. He thought that the right rev. Prelate had instigated them; but he did not wish to press upon that point. The right rev. Prelate said, "Respect your oaths. You are bound to maintain the rights of the Church—recollect you are bound to support what you have and possess against any encroachments; and if the right be yours you are bound to assert it." The right rev. Prelate had taunted him (Viscount Melbourne) with want of faith, and he said that when he took pen in hand he was a little more calm. The same observation might apply to the right rev. Prelate himelf. With respect to the letter which the right rev. Prelate had referred to, he (Viscount Melbourne) had some recollection of having written it. He, however, had no precise recollection as to whom it was addressed. The right rev. Prelate had praised his (Viscount Melbourne's) courtesy. That only showed him the folly of too great courtesy in replying to the letters he received. He seized upon it, perhaps, too eagerly, and he undoubtedly had written the letter without ground or foundation. It was the mistake of the persons who had given him the information. From all the communication he had had with the Chapter of Exeter, he believed that they were anxious to carry into effect the recommendation of the Crown, and to act in unison with the House; and he had no doubt, if their Lordships would permit them to remove the obstacle by passing this bill, the matter would be settled to the satisfaction of all parties.

House went into Committee.

The Duke of *Wellington* said, that in his opinion the object of this Amendment Act was, that the Crown on the one side, and the Chapter of Exeter on the other, should be placed precisely in the same situation with relation to each other in which they stood previous to the pasing of the 7th Wm. 4th., the Act of last session, and that was the principle on which he had voted last night for the second reading, and now for going into Committee; but he thought that this bill went further than was necessary for that object. The bill which was now presented to their Lordships, as amended by the noble Lord opposite, went further than the clause sent up by the House of Commons; and he now wished that it might be brought back to the state in which it had been sent up by the House of Commons.

The Bishop of *Exeter* said that, in conformity with the noble Duke's suggestion, he would move the omission of the clause in question, and the substitution of words to the effect, that "nothing in the recited Acts shall prevent the collation or appointment of a canon residentiary to any canonry or prebend which shall have become vacant by any of the causes which shall have caused or may hereafter cause the vacancy of a deanery, when it has been the practice that the dean should be elected or appointed from the canons residentiary or prebends." He had great gratification in thinking that he was proposing a measure which must receive unanimous consent. The noble Duke opposite had just approved of it. The noble Viscount must consent to it, because it was a clause which he must have assented to in the Cabinet, and it was one which had been adopted by the unanimously-declared opinion of the other House, who, without a division, had sent up the amendment alluded to by the noble Duke.

Lord *Brougham* thought that the object of all parties might be simply attained by omitting the four words "nominated by the Crown," which gave rise to the objection of the rev. Prelate. That course would leave the question of right, which he understood to be *sub judice*, entirely open; and the whole matter would be left as the noble Duke had suggested.

The Bishop of *Exeter* said, that there were other objectionable words, viz., these —"for the purpose of qualifying to be appointed by the Crown."

Lord *Brougham* thought they might be left out too.

The Bishop of *Exeter* would be satisfied if both passages were left out.

The *Lord Chancellor* said that the omission of the latter words would entirely alter the character of the bill.

Lord *Lyndhurst* thought that if the four former words were left out the object of the right rev. Prelate would be answered.

The Bishop of *Exeter*—No; he could assure the noble and learned Lord it would not. He acknowledged his object was to have the amendment of the House of Commons.

Viscount *Melbourne* said he would consent to the proposition of the noble and learned Lord (Brougham), but not to the omission of both passages.

The Duke of *Wellington* said, he had thought that the clause of the House of Commons provided sufficiently for the object in view; but if the noble and learned Lords thought the omission of the four words mentioned would equally accomplish it, and the noble Viscount would consent to that, he thought the right rev. Prelate had better withdraw his amendment.

Amendment negatived.

Bill passed through Committee and was supported.

HOUSE OF COMMONS,

Tuesday, April 23, 1839.

MINUTES.] Petitions presented. By a great many MEMBERS, from a number of places, for a Uniform Penny Postage.

ENCLOSURE BILLS.] Mr. *Harvey* rose to call the attention of the House to the notice he had given last evening, for rescinding the standing order on Enclosure Bills. The House was aware that the object of his notice was, to enforce the standing orders, which provided that in all enclosure bills a suitable spot should be set apart for the recreation of the people; but this laudable object had been laxly looked after, and his purpose, therefore, was to frame such a new regulation as would enable committees on such bills to avail themselves to the full of that beneficial order. He must say, however, that while committees were composed of Gentlemen more or less interested in the matter before them, it was not surprising that there was no one found on such occasions to guard the rights of the labouring classes. The standing order for which his motion was intended as a substitute was, nevertheless, framed for that purpose; although its origin had been neglected, and it had been gradually allowed to subside into a nullity. He would now submit his amended order to the consideration of the House, which was expressed as follows:—"That the second special standing order to be observed on enclosure bills be rescinded, and the following order be substituted:—'That in all bills for enclosing commons or waste lands, provision be made for leaving an open space in the most appropriate situation, sufficient for purposes of exercise and recreation of the neighbouring population; and that the committee on the bill have before them the number of acres proposed to be enclosed, as also of the population in the parishes or places in which the land to be enclosed is situate; and also to see, that provision is made for the efficient fencing of the allotment, for the investment of the same in the overseers of the parish in which such open space is reserved, and for the efficient making and permanent maintenance of the fences by such parish, to be paid out of the poor-rate thereof; and that in any case where the information hereby required is not given, and the required provisions are not made in the bill, the committee on the same be directed specially to report to the House the reasons for not complying with such standing order." He had examined a variety of the "breviates" of enclosure bills passing through the House, and he could only wish that the same attention had been displayed to the observance of the standing orders, with respect to the rights of the poor, as the clergy had evinced in looking after their interests. In one case he observed the clergyman claimed an allotment in lieu of the small tithes of geese, and the piece of ground set apart to him on that claim was worth 4*l.* a year. He had no objection that the clergyman should have plenty of accommodation for all the geese in his parish; but in that case, the proportion to be set apart for the poor should also be attended to. In one bill before the House, extending to many thousand acres, there were only five acres to be set apart for the poor; but one-fourteenth of the whole was proposed to be set apart for the lord of the manor. In another, no account was given of the quantity to be enclosed; but one-fourteenth was again set apart for the Lord of the Manor, and the allotment so to be set aside was to be enclosed at the expense of the general fund. In the Great Milton Enclosure Bill the quantity was 1,300 acres, while the allotment for the poor was only three acres and "not more." But the Lord of the Manor had one-sixteenth of the whole. In another enclosure bill of 500 acres, no allotment whatever was specified to be set apart for the recreation of the poor of the parish or district. In the Congleton Enclosure, county of Cambridge, it was provided that the quantity to be set apart should not exceed six acres for the use of the working classes, and in many others there was no account given of the quantity of acres to be enclosed, nor of the relative proportion, nor population. In the Northumberland Enclosure Bill, which included an extent of 10,000 acres, it is stipulated that the quantity shall not exceed twenty acres, nor be less than ten. And the very dangerous power was given to commissioners to knock down all cottages on the waste which appeared to them to be encroachments, on giving three months notice. In these days of commissionerships, he thought it would not be improper to have a "poor man's commissioner," to see that suitable reservations were made of ground for the recreation of the labouring classes, and to protect their rights and interests. Land might have been occupied on the waste for twenty years by a poor industrious man—the land which he might have brought into culture by his own industry after returning from his daily toil—and yet, because some great man wished to have the place included in his park, nothing was to prevent some one of these commissioners from destroying the poor man's property. It was most important that the House should throw its legislative protection over the poor, for the spirit of the times and symptoms moving around them were too plain to justify the neglect of the rights of the labouring classes. The hon. Member then brought forward his motion.

Lord *G. Somerset* fully concurred in the purport of the hon. Gentleman's resolution, but begged to call his attention and that of the House to what seemed to him something more than a formal objection to its passing without further consideration. In that part of the resolution which went to afford additional exercise and recreation to the people, he wholly concurred, but when the hon. Gentleman went to ask the House to lay down as a standing order the necessity of paying out of the poor-rates in the case of every enclosure bill the expense of fencing the portion of ground allotted for such purposes, he could not help thinking that in point of form there was very considerable objection to the hon. Gentleman's resolution. A regulation imposing the necessity of taking money out of the public purse ought, in his (Lord G. Somerset's opinion, to be embodied in a regular act of Parliament. Though it might be possible to bring this resolution within the general rules of the House, yet he thought they would be straining those rules very far, and departing from their constitutional spirit, if they were to pass it in the manner proposed. He did not object to its principle; on the contrary, he thought the principle of the resolution was highly deserving of support. Perhaps the Speaker would state whether it would not be a more regular course to have the resolution embodied in an Act of Parliament than to pass it in its present shape; or perhaps the hon. Gentleman would consent to withdraw the objectionable portion of his resolution.

The *Speaker* said, that in consequence of what had just fallen from the noble Lord, he felt it his duty to state, that one of his principal duties was to watch the proceedings of that House, and that when a precedent was about to be made which appeared to him a new one, or one which had not been clearly anticipated, to draw to it the attention of the House. This seemed to him to be in some respects a new proceeding. Here was a standing order of the House by which it was proposed, that a tax, large or small, it did not signify as regarded the precedent, but that a certain tax should be imposed. This resolution appeared to him, therefore, to be one which it would not be advisable for the House to adopt without careful consideration. The object which the hon. Gentleman had in view might be a very proper one, and might, perhaps, be met with the insertion of these words, "That provision be made for attaining the same." But he (the Speaker) submitted, that laying down specifically and positively in a resolution of this kind, that in all cases of enclosure a certain tax should be made in a particular form upon the people, was a course which the House ought not to sanction, without very careful consideration. He was not expressing any opinion for or against the resolution, but merely stating, that in its present form, they ought not to adopt it without further consideration.

Mr. *Pease* supported the principle of the resolution, but protested against that part of the statement of the hon. Mover which implied, that they represented the feelings of a particular class of the community only, and were disinclined to protect the interests of the poor.

Mr. *Harvey* said, that he was so well pleased to hear the observations which had fallen from the noble Lord, and entered so much into their spirit, that he would readily concur in any suggestion likely to give unanimity to that or some such resolution; and after what had been said by the Speaker, respecting the mode of defraying the expenses of fencing in, and keeping so, the different portions of ground allotted for the benefit of the people, he would, with the permission of the House, withdraw the words, "To be paid out of the poor-rate thereof."

Mr. *Aglionby* would not oppose the resolution, but he thought it would be much more safe if they were to say at once, that they thought it most important for the public at large, and for the interests of the poor in particular, that there should be grounds for their recreation and exercise, and that the expenses of establishing such should be paid out of the public purse, or by the parishes which were to receive the benefit of them.

Mr. *Slaney* observed, that this was a case in which the House gave to property in the neighbourhood of populous towns an additional value, but in doing so said to the owners of it, that there should be a small portion of it allotted for the welfare of the inhabitants. As a matter of justice, that appeared to him to be a very fair exchange between the parties. Property of very little value was rendered of very considerable value through the agency of Parliament, and he thought it a very fair demand to make in return, that a small portion of that property should be set apart for the benefit of the public.

Resolution as altered agreed to.

Lightning Conductors.] Lord *Eliot* rose to move the appointment of a committee to examine into the merits of the petition of Mr. S. Harris, F.R.S., relating to his invention for the protection of ships from lightning. The noble Lord said, he did not consider nautical knowledge necessary to understand this subject, or he would not have undertaken to bring it forward. He should attempt to establish three propositions: that ships unprovided with electrical conductors, or provided only with such as were now in use, were in great danger of injury from lightning: that the invention of Mr. Harris was effective to guard against it; and that having been tried, and found so effective, it had nevertheless been discarded. There were 170 cases of damage within the last fifteen years, occasioned by vessels having been struck by lightning. These numbers were obtained by Mr. Snow Harris, who had been permitted by the Hydrographer of the Admiralty to inspect the Log-books of the ships, and they formed but a small proportion of the entire number. Of these 170 cases, in 100 instances, the vessels were set on fire, and of the crews, sixty-two were killed, and 111 wounded. In the case of the Repulse seven men were killed; in the case of the Sappho seventy-three were wounded, and forty severely, and in the case of Le Juste, several men were killed. No danger was so appalling to sailors as that of lightning; and within the last two years he believed, that not less than seven of her Majesty's ships had been struck by lightning. Captain Fanshaw, commanding the Rodney, in which two men were killed by lightning, stated, that he had never passed through the Levant, in which dangerous thunder storms were frequently encountered, without wishing for Mr. Harris's conductors, and added, that the Caledonia, the Asia, and other ships, which had been for a considerable period on the station, and which were provided with these conductors, had never received any damage. The second position which he would lay down was, that the invention of Mr. Snow Harris would be effectual for securing vessels from lightning. He was a gentleman well known for his scientific attainments, and no man had of late years made more interesting discoveries in that branch of natural philosophy. The House was probably aware, that the usual conductors were metal chains, which were thrown across the side of the ship, in order to conduct the electric fluid into the sea. Those conductors were usually packed in boxes, and kept in the hold, and the consequence was, that upon an emergency they were hardly ever forthcoming, without considerable delay. The experiments of Mr. Harris had been submitted to the Inspector of the Royal Society, who had appointed a committee to investigate the matter, and the result of these deliberations was a full approval of them. In addition to the testimony to the improvements of Mr. Harris, he might also add, that of Sir David Brewster. The noble Lord read a number of letters approving of Mr. Harris's plan, from officers commanding ships in which his conductors were used. It might be objected, that the expense would be great. That objection, however, was not tenable, as he had a letter from a most respected and distinguished officer, which stated that the expense of fitting out a first-rate line of battle ship would not exceed 300*l.*—the value of the ship was 120,000*l.*, so that the expense of conductors was not a very high rate of insurance. The experiment had been made in the dock-yards, and it was proved, that the strength of the spars was rather increased than diminished by the process. He was aware, that there was a great disinclination on the part of the House to become as it were a Court of Appeal from the decisions of various departments, but he thought this was a subject of the last importance, whether considered in a financial point of view, or as affecting the lives of our seamen. This did appear to him to be a question which required consideration. As he had been informed by the hon. Gentleman opposite (Mr. C. Wood), that the motion would not be opposed, it was unnecessary for him to say anything further, except that he thanked the House for the indulgence it had shown him. The noble Lord moved, that a Select Committee be appointed to inquire into the statements contained in the petition of William Snow Harris, esq., F.R.S., relating to the protection of ships from the effects of lightning.

Sir *E. Codrington* seconded the motion. In addition to the instances mentioned by the noble Lord, he would refer to two vessels which had been lost in South America, on which coast the effect of the lightning was most tremendous. So many vessels had been lost from this cause, that if the cost of the experiment was likely to be ten times the sum which it would be, it would be well worth the trial, for where conductors had been applied, no vessel had ever been destroyed by lightning. He could see no objection to the plan whatever.

Mr. *C. Wood* said, he should not oppose the motion. He must, however, say, that the order for discontinuing Mr. Harris's invention, had been given, not by the present Board of Admiralty, but by a former Navy Board, not less then eight years ago. He had seen the experiments of Mr. Harris, and was bound to admit, that they were very satisfactory in appearance. And if it should turn out from the evidence before the Committee, that the invention was efficient—for that was in fact the only question to be investigated, there being no doubt about the two other points—he was sure, that no consideration of expense would prevent its adoption—most important as it was for the preservation of our ships, and of still more valuable lives. The tenour of the reports made by officers to the Admiralty, however, had not been favourable to the invention; indeed, there had been but one supporting it, and that was the one which had been mentioned by the noble Lord. The present Admiralty had not been aware of what was going on respecting the discontinuance of the invention.

Mr. *Warburton* said, in his opinion it was greatly to be marvelled at, that in this present scientific age a committee should be required on the subject. Surely natural philosophy had made so far way into the Admiralty, that they knew the value of means for preventing the damage done by lightning. As to this there could be no doubt. The only question was, as to the proper means to be adopted for attaining the object. He considered, that it would be superfluous to go into the investigation of a subject that was known to every body. He thought when the noble Lord had got his committee, it would be as well that it should refrain from sitting for some time, in order that the Admiralty might make inquiry into the subject.

Admiral *Adam* said, the real question was, whether suitable conductors could be made so securely as not to be subjected to flaws which would render them rather the cause of danger than safety; that was a question that had not yet been settled to the satisfaction of the Board of Admiralty.

Sir *Robert Peel* thought, that the House ought not to interfere with the Executive Government, in matters of this sort; the better course would be for the Admiralty to undertake the inquiry, and appoint a commission for that purpose, consisting of four men of science, which would prevent the establishment of a precedent that might be very inconvenient.

Mr. *C. Wood* said, the course proposed by the right hon. Baronet was that adopted in the case of Kyan's patent.

Lord *Eliot* said, his only reason for bringing this subject forward was, that he might have a scientific and satisfactory investigation, and he would willingly agree to the suggestion of the right hon. Baronet, the Member for Tamworth. With reference to a remark that had been made by the Secretary for the Admiralty, he would observe, that experiments ought to be made under the eye of the inventor.

The motion was then withdrawn.

Manning the Navy.] Sir *E. Codrington* was understood to say, that the question of the mode of Manning her Majesty's ships, which he proposed to submit to the House, had usually been treated as a party question, and had on that ground been brought prominently before the House. He hoped, however, to have the votes of hon. Gentlemen in favour of his motion, though he did not bring it forward as a party question. The motion he had to make was, "That the system of reducing the crews of her Majesty's ships in time of peace below the number required to make them efficient in time of war is injurious to the best interests of the service; and that it is the opinion of this House, that all her Majesty's ships, when actively employed, or about to quit the British channel, should, in future, have but one complement of men, whether in peace or war." In those discussions which had taken place before the House on the navy estimates observations had been made on the necessity of keeping the navy in a condition for all purposes; and one side of the House had attributed to the other great neglect, and that charge had been mutually retaliated. But there was no question but that there had been great deterioration in the navy, whether it were the fault of this side of the House, or the other; but he believed, that the navy had suffered by both parties. A great deal had been said about ships and stores by the right hon. Baronet opposite. The former first Lord of the Admiralty had said, "I launched so many ships: I did this, and I did that." Why, that was one cause of the deterioration. But the question was not about the ships or the stores, but was about the seamen. The noble Lord, now at the head of the Admiralty, did not know what a seaman was. The noble Lord had said a great deal about the ships and stores, he should like to know what this Lord knew about the navy. Every one of the Members of the Admiralty Board seemed to know a great deal about the patronage of the navy, and of the advantages of having the navy appointments in their hands; but none of them seemed to him to understand the value of seamen, and what were the means best calculated to keep them in the service, and to keep the officers contented, and the whole of the crews in such a state as to be fit for service when required. Seamen could not learn their duties in ships which were not sufficiently manned. There must be an efficient ship's company, in order that the seamen might learn the duties they were required to perform in a ship of war, and what they should do in time of war. It was very easy to undo what had been done, but it was not so easy to put things right again. By injudicious measures the best seamen had been driven from the service, and the only way to bring them back again, in his opinion, was to adopt the resolution which he had moved, that at all times, whether in peace or war, ships should be efficiently manned. He knew well, that owing to the present system the officers of the navy were discontented, and it was important that they should not be so. The private seaman of this country was a person not easy to be obtained; and when they had got him, he was of that sort of value they ought to do anything to retain him in the service. A great deal had been said about the efficiency of the navy, and about the ships and stores, which were of primary but temporary importance. Let them take the worst ships of the navy, and let them be properly manned, and if these ships were placed in competition with the best and most splendid ships, built and manned as they now were, the latter would not be able to cope with the former for one moment. It was of great importance to this country to have the ships properly manned, in order to keep up the credit of the navy with foreign countries. If Commodore Douglas had had a proper force off the coast of Mexico, Admiral Baudin would not have dared to insult the British flag, and run the risk of going to war with England, but his ships were in a miserable condition with his peace establishment when compared to those of Admiral Baudin. These were matters, he thought, which would be considered by the country of pre-eminent importance, and not matters to be laughed at. It might be thought by Gentlemen who brought forward party questions that those only were the things worth consideration: he was not of that opinion; he thought that the welfare of the British navy, and its being able at all times to do its duty, were much more important, and that which party was victorious, was a secondary matter. It did not much concern him who was Minister, or whether one party or the other were in, provided the duty of the country was done; and the duty of the country was not done when the navy was inefficient and neglected. There had been a great deal of talk about "reform;" he thought there was more reform wanted in the management of the navy than in any other part of the public service. They had heard a great deal about "justice to Ireland," but they had heard nothing of justice to the navy, and they had experienced very little of it. He had before brought statements before that House, and had stated that there was no department of the public service in this country that was not doubly rewarded, compared with the navy. The most experienced officers of the navy, having seen double the service, were not half so well rewarded as the officers of other departments of the service. To come more immediately to the question, his object now was to confine himself to the necessity of having ships efficiently manned and fit for service. In looking at the past war, he might mention that they had had two captains rewarded as distinguished officers for their conduct, who in frigate actions with the Americans had been captured. He was not surprised at this; he knew very well the difficulties they had to contend with; their ships were half-manned, and the Americans were double-manned. Nothing could prove the necessity of keeping up a sufficient naval complement so much as the difficulties they had then experienced. Why would not seamen enter into our fine ships? Because they were deficiently manned. They would enter into these fine ships in preference but for that. The seamen knew very well that they could not compete with other ships to gain credit; but more than that, they could not perform the common evolutions of the fleet. Owing to the deficiency of hands, there was not a single manœuvre to be performed, which did not require that the whole of the ship's company should be employed. He had asked for a return of the desertions which had taken place from the squadron of Sir C. Paget, but the Board of Admiralty had declined giving him that return. Sir C. Paget dreaded going into port, because he knew that all his best seamen would run away and leave him. Was that a situation in which a seaman ought to be placed? He did not think there was any condition of life in which a working-man could be better off than in the navy, if he had his duty to do and no more, and proper indulgences given to him. Nothing could be more advantageous than the position of a man-of-war's man in ordinary service, such as was formerly the case. But such was now the labour required, that the private seamen would not go on board these fine ships; they would rather go on board the inferior frigates—the "jackass frigates," as they were called. This feeling broke the hearts of the officers. He would tell hon. Members that there were times when more duty was required from the men than it was thought possible they could do, and when the men, if properly treated, would struggle on without sleep and do more than their duty when they had a pride in the ship. But their labour was ten times increased whenever there was an inefficient crew. Whenever there was an emergency, and it was known, with an efficient crew, there was great alacrity and exertion to save the ship; but what was it now? From the constant call for this exertion the men came upon deck unwillingly, and the officers were obliged to drive them. The officers knew the spirit of the men was gone, and were unwilling to drive them, and that was one of the worst of evils. On board a ship they called a certain class of people "idlers;" but now the idlers had as much work as any other men in the ship. He ventured to say, that by the present system not only the comfort, but the health, of the ships' crews, was destroyed. He did not affirm that the Admiralty cared what number of men they had employed, or what number of ships, but whether they had one or 100, in time of war or in time of peace, they ought to be in the condition to do their duty. If they did not want a thing, let them not have it; but so long as they had it, let them have it in a condition fit for service. On that ground he had brought forward this motion. He admitted, that it was the duty of the Admiralty to attend to the subject of his resolution, and that it ought not to be necessary to be brought before the House of Parliament. The opinion and the practice formerly were during times of peace, that ships going abroad should never have a greater reduction from the war complement than would enable them to have an efficient peace complement—that was, that the war complement should not be reduced more than one-eighth; but the present First Lord of the Admiralty differed from this opinion, and said that the complement of hands was to be reduced one-fifth. Our navy was thus governed by landsmen, who knew nothing at all about the matter. There were times when the crews of the fullest and best-manned ships had been so worked down, that the spirits of the men had been in danger of being broken by too much exertion, and when it had been necessary to take some means to recover their spirit. They might get plenty of men, he knew, to do the present work, and they might call them able seamen if they pleased; but to show what they were, he would mention that the other day, when they had wanted the sails to be furled on board Captain Napier's ship, the officers had been obliged to go on the yards, and show the men how it should be done; the men did not actually know how to furl a sail. If that ship were to go to sea, so manned she very probably would be lost. If the ships were to have full complements of men, they would have prime seamen going on board the men-of-war in preference to merchant vessels. It was quite ridiculous to talk about the expense. He was perfectly sure that ten ships manned as they ought to be, would be more efficient than twenty ships imperfectly manned. The army was governed in a different way; it had too much influence in the country to submit to be governed by civilians. The navy had not the same influence; if it had it would not be governed as at present, and would have naval men at its head. Upon the whole it was his full conviction, as he was sure it was the full conviction of the navy at large, that no ship of war ought to leave the channel on foreign service without being fully manned with a war complement. Only conceive the inefficiency of a thirty-two pounder, which ought to have fourteen men to serve it, having only nine! Without men there was no use in having ships. He had been induced to bring the matter before the House, because he believed that a proposition which asserted the necessity of her Majesty's ships having but one complement, whether in peace or war, when actively employed, or about to quit the British Channel, would have met with the concurrence of the House. He gathered so much from the sentiments formerly expressed in the House, and indeed out of it, with reference to the subject. If his proposal did not meet the sanction of the House, he should sincerely lament it, not less on account of hon. Gentlemen themselves, than on account of the interests of the country. But he could not think that hon. Gentlemen would be so false to the sentiments they had expressed again and again in that House and before the country, respecting the necessity of manning our ships of war fully, as to refuse their concurrence and support to the resolution he had moved.

Viscount *Ingestrie* seconded the motion. He fully agreed with those who held, that the House of Commons was not a fit body, in ordinary circumstances, to conduct the affairs of the Board of Admiralty; but when he found that the Board of Admiralty treated all applications and overtures for amendment of the present system, or any part of it, with contempt and derision, he confessed he saw no course open, but to bring questions of this kind before the House and the public. On the present occasion, therefore, he was delighted to concur with the hon. and gallant Officer opposite, from whom he differed so much on politics in general; and he would say, that as he had had the honour of sailing into action under the command of the gallant Admiral, the gallant Admiral had then led him to victory, and he hoped he would again on the present occasion. The subject had been very much discussed in former debates some time ago; since then there had been what sailors called a lull; but he hoped the hon. and gallant Admiral would blow up the breeze again. In his opinion, the statement of the hon. and gallant Admiral was highly satisfactory. He thought the gallant Admiral's positions were very strong; and he must say he had never heard a word from hon. Gentlemen or from the hon. and gallant Officers of the Admiralty to show why ships of war should not go out to active service with their full complement of men. Every one knew, he was very sorry to say, that the political affairs of the country were not in that state of harmony which one could wish. We were actually at war in Canada. A war with America seemed not so far distant as he could wish. We were at war also in the East Indies; and, therefore, he must say he thought that the Government, in refusing to put the navy on a war complement, threw out of view wholly what was the actual state of our foreign relations. But this was not all. On former occasions he had felt it his duty to allude to the difference in the rates of wages, pay, and allowances in the British and in foreign navies, and the discontent which arose among our seamen in consequence. The discrepancy was most remarkable between the situation of officers in foreign services and ours. In the former the officers, in addition to their pay, had a very considerable allowance granted them for table money. In our service the officers had no allowance for the purchase of libraries and other things; in fact, they were even obliged in some cases to furnish their cabins themselves. Having thrown out these few observations on the condition of the officers, he would now come to that of the men, which was more particularly connected with the subject of the present motion. What was the first thing which the seaman found out upon going aboard an under-manned man-of-war? Why, he found himself put to the greatest inconvenience from having put upon him very much more work than proper. Every one at all conversant with the nature of a man-of-war's man knew, that of all things, he felt it to be one of the very greatest grievances to be called up in the night to go upon duty after a hard day's work. Perhaps hon. Members were not aware that the sailor was actively engaged upon deck nearly one-half of the twenty-four hours, whilst that part of his time which he passed below he was by no means without any thing to do. Was this all? No, for, in addition to finding her Majesty's ships under-manned, he found himself rated at very inadequate wages as compared with the seamen of other nations; and although as a set off to this, the British seamen had provisions allowed, and a pension and justice, yet still his situation might and ought to be ameliorated. To give some idea of the degree in which our navy was under-manned, as compared with that of other nations, he might mention, that when he was at sea, he met an United States corvette with spars of the same length as those of his own ship, yet she had forty able seamen more than the vessel he commanded. It was said, that a habit had some time ago grown up of sending out seventy-fours with a complement of 400 men, and that it had been done at the request of Sir Peter Halkin by former Governments as well as by the present. But, however this might be, one of the ships so sent out was the Cornwallis, the flag-ship of Admiral Sir Charles Paget, on the American station. Very shortly after she arrived out, the revolt in Canada broke out; then came the Mexican affair; and in consequence of these events the guns of the ship were obliged to be sent out in a transport. He wished hon. Gentlemen to reflect what might have been the consequence if this transport had been captured on its passage out. The gallant Admiral (Sir C. Adam) surely would not think of sending out any more ships without their guns. But supposing, that the gallant Admiral repeated this experiment and sent out other ships without their guns, he asked, where were they to find men to work those guns when they were to go out? There was another matter to which, on a subject of this nature, he found it impossible not to refer—he meant the practice of impressment. For his part, till an adequate substitute was provided, he would never consent to relinquish this power of the Crown. He wished, nevertheless, as much as any man for a remedy for the evils of the system, and like every man of common feeling, he would like to see it mitigated as much as possible. Still it ought to be borne in mind, that however hard impressment might seem, in truth its working was rather less of a hardship than the ballot for the militia; for the distinction between the two plans was, that on the one a tailor, a tinker, or person of any trade or profession, might be taken from his fire side to serve; while the other meddled only with persons who had been accustomed to a water life. Connected with the subject of manning the navy, there was a consideration or two which he could not omit to urge on the House and on hon. Gentlemen opposite. The Admiralty, in his opinion, were bound to look for a supply of men in future to the mercantile navy, which had very much reduced its numbers of seamen, at least in the coast trade, since the general adoption of steam-boats. The sailor, as was well known, to naval men, could not get the same style of nautical education aboard a steam-boat as aboard a coasting vessel. Upon a view of this part of the subject, he should be very glad to see introduced a system of naval apprenticeship for the purpose of supplying able seamen to the navy. The term should be seven years, he thought; and after five were elapsed, the apprentice, if he were fit and willing, should be allowed to enter the navy. The effect of such a system would be to do away with the necessity for impressment, and render the service generally popular. It would be necessary for this purpose, however, to give the men to understand that they would be well fed and well paid, and that the public faith should be kept inviolably with them. He should like to know why they should not have a committee of naval officers to take into consideration the questions of impressment, and of manning the navy in general, the latter being a question which the state of trade at present rendered in the last degree important. With regard to the motion, he hoped the gallant Officer would not only press it to a division, but also carry the point. If a war were to break out, we should have great difficulty in getting men. This might be inferred from the situation in which our ships of war were at present placed when they required to be manned on an emergency. When he was in the Mediterranean he found such miserable men on board the British ships there, as he blushed to see in British men-of-war. The fact was, the complement had been made up on a sudden, by any one that could be got to make it up, and the consequence was, that by the time they got into the Mediterranean the principal part of the crew were on the sick list. While he was on this subject he might mention, that he had been given to understand that the Talavera was a very short time ago, if not at present, no less than 110 men short of her complement. This was a most strange way of having an efficient fleet. Was it fair on the officers, or on the men, if our ships were really manned in this defective manner, to call upon them to meet the enemy, as though they were to fight upon equal terms with him? If this sytem were persisted in, where would the feeling be which once animated every British seaman, that, an English ship was invincible? Where would be the confidence of the seamen if they felt they were condemned to go into battle with an inequality in the numbers of the contending crews? In his opinion it was clear that the ships ought to be fully manned. On these considerations he would urge on the Admiralty, though he would much rather that they should do it themselves than to have it forced on them by the House, that they should inquire into these matters, and he was quite confident that the vast majority of the most competent officers in the service would agree in the observations he had made.

Mr. *C. Wood* said, that after the strong opinion that was expressed on the last occasion when this matter was discussed, against the practice which had grown up of late of introducing into the House of

Commons discussions upon questions of naval and military administration, he had hoped that it would have prevented a repetition of that course. He thought that the noble Lord opposite, whose acts and principles were so much at variance, by introducing every possible subject connected or not connected with the motion, had afforded a most convincing proof of the inconvenience of the practice that had been condemned. He protested against the practice; and he did so with the less hesitation, because he could not possibly be suspected of doing so in order to meet an attack upon the present Board of Admiralty. The hon. and gallant Admiral distinctly stated that this was not a party question. The hon. and gallant Admiral did not call upon the House to say, that the present Board of Admiralty only was wrong; he called upon the House of Commons to pronounce an opinion that Lord Howe, in 1783, that Lord St. Vincent, and Sir T. Trowbridge, at the Peace of Amiens, and all the other distinguished officers who had sat at the Board of Admiralty, at any time during peace, had all been wrong, both in practice and in opinion, on this subject. No person could feel more how improper it would be in him to give an opinion upon a professional question of this nature, and he was far from presuming to do anything so indecorous; but when he stated what were the opinions of so many officers not less distinguished than the hon. and gallant Admiral, he hoped the House would not be led away by the opinion of the hon. and gallant Admiral. The hon. and gallant Admiral said, that almost all captains in the navy agreed in opinion with him. Now it was perfectly well known that a spirit animated the captains of the navy which made them anxious to have their ships in the highest order, and to have as many men as they could possibly get; but he must say that the opinions of the many distinguished officers to whom he had referred, who had all commanded ships with great credit, who were not seeking to get men for themselves, and who knew from experience what was necessary to provide for the efficiency of the navy, carried with them the greatest weight and authority. The hon. and gallant Member had referred to the amount of the peace complement. Now he must say that the peace complement was at this moment higher than at any period since the war. The peace complement of a first rate was actually at this moment 220 men higher than was established in 1816. The complement of a second rate was ninety-five men higher than established in 1816; that of a third rate was forty men higher; and that of a fifth rate—for the fourth rates were a new class of vessels, with which it would not be fair to make a comparison—the present peace complement of the fifth rates (and he might instance one of that class of ships to which the hon. and gallant Member had alluded, the Macedonian) was actually higher by nine men than the complement carried by the same class in the war. But the question did not refer to the amount of the peace complement; it went the full length of saying, that in time of profound peace all ships that went to sea should have a war complement. As he had maintained on a former occasion, he thought it was exceedingly absurd in time of peace to maintain our establishments on a war footing. He thought it an useless waste of men and money to maintain in time of peace the same complement as in time of war. If hon. Gentlemen only considered the difference of the service that was required to be performed in time of peace and in time of war, they would see that a great difference might fairly be made in the amount of their respective complements. In time of peace ships were not by any means so much exposed as in time of war, either to the battle or the breeze; they had not to fight their guns, and very seldom had to maintain their cruising ground off a lee shore; they were for the most part lying in the ports of friendly States to protect our commerce, so that the peace complement of men was fully adequate to the performance of all the duties that were required. War did not break out so suddenly as to leave no time for preparation, and he understood from gallant officers on foreign stations that there was seldom any difficulty in filling the complement of a ship on foreign stations, there was frequently a greater difficulty in refusing than in seeking for hands. The hon. and gallant Officer had referred to the battle of Navarin, in which he had so much distinguished himself, which was certainly a contingency unlooked for, but against a recurrence of which he trusted it was not necessary to provide. But it was worthy of remark, that this victory was obtained by our fleet with a peace complement; and at the battle of Algiers, also, there were a considerable number of ships with peace complements. He wished to impress upon the House, that in the light he viewed this question, it was not merely a question of economy. He believed, that it was more advantageous to the service of the country, and a better protection to our flag, to employ a larger number of ships with reduced peace complements, than to crowd all the hands voted by Parliament, into fewer ships. As a school for officers, it was of essential importance to have a certain number of ships in commission, because although we might obtain men from the merchant service, we could not get officers. The hon. and gallant Gentleman and the noble Lord had both complained of the inferior quality of the crews at the present time. Now, from the information which he was in possession of, he believed that these complaints were groundless. He believed that in the time of the war the complements of the ships in the navy consisted on an average of one third able-bodied seamen, one third ordinary seamen, and one third landsmen. Now, in 1834, 1836, and 1838 it appeared by the returns of a very large number of ships that there were sixty-four per cent. of able-bodied seamen, thirty-two per cent. of ordinary seamen, and four per cent. of landsmen. He was aware that it was imputed to some officers that they were often disposed to rate men as able-bodied seamen who were not so, in order to induce them to join the ship. But he would instance the case of the Rodney, commanded by Captain Hyde Parker, whom he was quite sure every Gentleman in the House would acquit of resorting to such an expedient; and in this ship it appeared, in 1835, that of the crew eighty-three per cent. were able seamen, and that there was only one landsman in her. In 1838, her crew consisted of seventy-seven per cent. of able bodied seamen, and twenty-three per cent. of ordinary men, without a single landsman. The hon. and gallant Gentleman had complained of the difficulty of manning the largest ships in the service; but he would refer to the instance of the Vanguard, which was certainly not longer than usual in obtaining her hands. The longest time required by any ship to procure men since he had been in office, was the case of a small 28-gun frigate, a class of ships well manned for their size, which had actually been longer in completing her crew than the largest vessel in the service. The hon. and gallant Admiral had spoken of the great desertion in Sir C. Paget's experimental squadron in 1836, and attributed it to the hard work imposed upon the men by their small numbers. If it arose from this cause, the greatest desertion would probably be in the larger ships, such as the Vanguard, whereas in fact, the greatest number of deserters were from one of the small seventy-fours; and the whole desertion in the year 1836 was less in proportion to the number of men than either in 1835 or 1837, the preceding and the following year. With regard to the want of smartness on the part of our ship's crews at present, which had been lamented by the hon. and gallant Gentleman, he was of opinion that it did not arise from the want of a proper number of hands on board, but from other circumstances; and he would beg in corroboration of this opinion to read a passage from a letter published in the form of a pamphlet, which was originally published anonymously; but which he believed, had since been acknowledged to be the production of that gallant officer, Captain Napier. The hon. Gentleman then read an extract from the letter of Captain Napier to Lord Melville, which was to the following effect:—

> "In the latter years of the war (when the ships had full war complements), all zeal and energy were extinct in the breasts of the greatest part of the officers and men. The emulation that formerly existed was at an end, and the pride that officers felt in seeing their ships excel others in evolutions, had entirely disappeared. The Mediterranean fleet, commanded by a highly distinguished officer, was to look at, the finest, but in evolutions the most lubberly I ever beheld. I served in it for three years, and it was accounted almost tyranny by the old officers to keep a ship in anything like order."

It would be seen from this, that there was one very high authority for the fact, that a want of smartness could be shown by a full, as well as by a reduced, complement of hands; and therefore, upon this ground, he could see no argument for adopting the war complement in time of peace. As this subject had been already so frequently discussed, both here and elsewhere, he should not now enter into further observations; but, for the reasons he had stated, he would oppose the motion of the hon. and gallant Member.

Captain *Pechell* thought that there could not be a doubt that our ships were inefficiently manned; but, at the same time, he was quite ready to admit, that the fault did not altogether rest with the present Board of Admiralty. He could not, however, congratulate his hon. Friend below him upon the manner in which he had answered the statements of the hon. and gallant Admiral. The object of the promoters of this question was, not to incur additional expense to the country, by increasing the strength of the navy. On the contrary, it was agreed that the House had voted sufficient men already, and all that was now sought for was, that those hands should be more efficiently distributed, so that our ships might be sent to sea in a state fit to compete with any foreign ships they might meet with. At the present day there was no part of the world where our ships were not liable to meet with foreign ships, when they must inevitably find themselves placed in very trying and disadvantageous circumstances, being quite unable to enter into anything like fair competition. It was not fair to refer back to the example of the latter end of the last century in this matter. In the years 1783 and 1784, circumstances were very different from those of the present day There were then no French double-banked ships, and no Russian sail-of-the-line to compete with, and it was notorious, that whilst, since the war, France, Russia, and America had been making long and rapid strides in their naval service, England had made little or no comparative progress. But when the Home Secretary referred to authorities of by-gone time, why did he omit that of Lord Collingwood, who, even in his day, complained that "not only had he inefficient ships, but inefficient officers also; young gentlemen being appointed merely on account of their parliamentary connection and interests?" As an instance of the practical inefficiency of our present service, he would refer to the case of the vessels stationed on the coast of Africa to look after pirates and slavers, and which, on taking a prize, were obliged to accompany it into port because they had not hands enough to spare to man her. He repeated again that he hoped the House would not be led away with the impression that this was a proposition to increase the expenses of the country; he declared again his opinion, that we had already a sufficient number of hands, but that they required to be better distributed. With this conviction, therefore, he should certainly support the motion.

Captain *F. H. Berkeley* said that, as a naval man, he felt called upon to say a few words on the subject of the present motion. He felt bound to say, that, as far as his experience extended, the present system tended to create disgust in the service, and to destroy that *esprit de corps* which was so essential to it; he very much feared, that in the event of a collision with a foreign power, our flag would be — not disgraced, for that it could never be under British officers—but humiliated. The hon. Secretary talked of protecting the British flag, as if the only object was, to protect merchant vessels from piracy and aggression. If such were the sole object, he thought it would be much better attained by employing smaller ships, which would draw less water and require fewer hands. But if it was intended that we should defend our flag from insult and indignity, it was, in his mind, ridiculous to send out for that purpose ships which could not compete with foreign ships of war. On a former night he had had the honour to call the attention of the House to a letter from the hon. Sir C. Paget. He did not then mention the name; but all necessity for secrecy had now unfortunately ceased, as the gallant Admiral was no more. He would say, that that lamented officer added to all the high qualities inherent in his gallant family the best attributes of a British seaman. That gallant Officer stated in his letter, that he, on one occasion, placed all his sails below rather than expose his inability to compete with the French squadron. The gallant Admiral foretold, that if he ever came into collision with foreign ships we should surely be degraded. He would now quote the practice of a great naval power as to the mode of manning fleets—of that power that taught us such a lesson in the last war. The American frigates that took our ships had been called line-of-battle ships in disguise; but the fact was, that their forty-four-gun frigates were eighty-six tons burthen less than the Pique. They carried fifty-six guns, but they were twenty-four-pounders, while those of the Pique were thirty-two-pounders. If she had gone into action with a peace complement, she would have had eight guns mute for want of hands to work them. The members of government in that House opposed any augmentation in the crews of our ships, but all the members of Government were not of the same opinion. The noble Premier was reported to have said in another place, that he thought our ships ought to be perfect in all things. If the noble Premier was right. the noble Lord at the head of the Admiralty must be wrong. The Americans in the late war acted in a different manner. When their commodore, Hull, sailed on his cruise against our ships, he had a crew of 316 picked men, but, not thinking that enough, he put into the Chesapeake, and increased it to 416. With this crew he took the Guerrier, which ship at the time had only 244 men. When the American frigate, the United States, took our ship, the Macedonia, her crew consisted of 474 men, while that of the Macedonia was only 254. In the action of the Shannon and Chesapeake, Captain Broke had only 306 men, while the Chesapeake numbered 376. The noble Lord at the head of the Admiralty lately said, in another place, that our ships, as far as they were in commission, were perfect; but, manned as they were, how could that be? A noble and gallant Duke had also said, that, with a peace establishment, we were unfit to begin war in any part of the world while the fleets of other nations were on a full war establishment. He thought the noble Duke was right; and, moreover, if war were to break out, it would be impossible to send men abroad to man our ships, which for want of proper crews would be exposed to capture. The hon. Member for Birmingham, the other night, said it was possible that a Russian fleet might sail up the Thames. The Secretary to the Admiralty admitted the possibility, but, said he, "See what revenge we will take." What would the merchants of London, Bristol, Liverpool, and other ports, say to revenge of this sort? When their vessels were destroyed, would they be satisfied with the declaration that revenge should be taken when vessels were built and manned? No; they would say, their best revenge would be the impeachment of the First Lord of the Admiralty. The reign of George the 4th ought to be held up as a beacon to warn all future Admiralties. Had this motion been brought forward during the reign of his late Majesty, the Admiralty would have had the advantage of the opinion of that monarch, for no man complained more of the imbecility of the Admiralty during his brother's reign. Although he hoped the reign of her Majesty would be distinguished for the solid glories of peace and the lasting triumphs of literature, still it should be the care of that House that, if she did draw the sword in a just quarrel, she should be enabled to vindicate the character of the nation over which she presided, and to rival the glories of her great predecessor, Elizabeth. In supporting this motion, he felt he was taking a leading step towards upholding our best and most constitutional bulwark—the gallant navy.

Sir *C. Adam:* To hear the complaint of the hon. Gentleman who last addressed them, one would suppose that our navy was in the lowest state of degradation. Sir R. Stopford, however, was of a very different opinion, for he considered the ships under his command as well qualified to bear the British flag in triumph as ever our men of war were in former times. Nobody could deny, that foreign powers had lately taken the greatest pains to put their ships in the best order. But it should be borne in mind, that there were very few French men of war afloat, and that all those sent to Mexico were experimental ships. It was true, that the French and the Russians had introduced guns of a larger calibre than those which were formerly used. We were, of course, obliged to follow their example, and to have our guns on a larger scale; but he had the authority of officers in command for saying that our ships were more quickly and efficiently worked than those which belonged to foreign nations. Much had been said of the necessity of keeping up a sufficient number of men. He admitted that, in 1836, such was the demand for seamen, that many of our ships were obliged to remain in port for a considerable time through want of hands. But the men of war which were sent on service were by no means ill manned. When British ships carried on commerce with all the ports of the world, he thought it was obvious we could get men from these ships if we wanted them. The gallant Admiral (Codrington) had asserted that there was a difference of opinion between the noble Lord at the head of the Admiralty and the naval Members of the Board as to the proportion which our peace should bear to our war complement. To this statement he gave the most distinct denial.

Mr. *Plumptre* thought that, through false economy and false patriotism, our present establishment was too low for the honour and safety of the country.

Mr. *Hume* said, they were extremely warlike in that House; but, though he had taken considerable pains to ascertain whether there was any ground for the apprehensions which were entertained on this subject by many hon. Members, he could find, out of doors, no foundation for them. They were told, in a late debate, that there was not one ship too many afloat, and it was now proposed to man them according to the war complement. This he thought was a most unnecessary expense, particularly when it was reflected that there were afloat one-third more ships than they had any occasion for. It was, in his opinion, most unfortunate that the naval Members in that House should be perpetually proclaiming that our navy was unfit to compete with foreigners. He must oppose this motion, because if agreed to, it would take away a degree of responsibility from the Admiralty, to which it was most desirable that they should be subjected.

Sir *E. Codrington* in reply said, even on the score of economy the hon. Member for Kilkenny ought to vote for his motion, because he did not ask for more men, but that one or two ships should be discharged, and the men drafted to other ships so that they might be rendered efficient. He claimed the vote of the hon. Member, because, by his plan, there would be a saving of stores for the ships which he wanted to be put out of commission. The present Government only continued the old system of the Tory misrule. He had represented the state of the Navy to the noble Lord and to the Premier, and to the Admiralty, but they all said the system was working very well. He would rather go to sea with ten ships well manned than with twenty ships half manned, according to the present system.

The House divided: Ayes 27, Noes 90—Majority 63.

List of the AYES.

Archdall, M.
Attwood, T.
Bentinck, Lord G.
Berkeley, hon. H.
Berkeley, hon. C.
Boldero, H. G.
Bruges, W. H. L.
Courtenay, P.
Dundas, C. W. D.
Farnham, E. B.
Godson, R.
Grimsditch, T.
Halford, H.
Hawkes, T.
Jackson, Serjeant
Maclean, D.
Maunsell, T. P.
Maxwell, hon. S. R.
Parker, R. T.
Pechell, Captain
Plumptre, J. P.
Salwey, Colonel
Sibthorp, Col.
Smyth, Sir G. H.
Trench, Sir F.
Vivian, J. E.
Williams, W.

TELLERS.
Codrington, Admiral
Ingestrie, Viscount

List of the NOES.

Abercromby, hn. G. R.
Adam Admiral
Baring, F. T.
Barnard, E. G.
Barry, G. S.
Bernal, R.
Bewes, T.
Blake, M. J.
Blake, W. J.
Briscoe, J. I.
Buller, C.
Chichester, J. P. B.
Childers, J. W.
Craig, W. G.
Curry, W.
Davies, Colonel
Donkin, Sir R. S.
Elliot, hon. J. E.
Evans, W.
Finch, F.
Fitzsimon, N.
Fort, J.
Gordon, R.
Grey, right hon. Sir G.
Hawes, B.
Hayter, W. G.
Hodges, T. L.
Hodgson, R.
Hoskins, K.
Howard, F. J.
Howard, P. H.
Howick, Lord
Hume, J.
Humphrey, J.
Hutton, R.
Ingham, R.
Labouchere, right hon. H.
Lister, E. C.
Lynch, A. H.
Macleod, R.
Marsland, H.
Maule, hon. F.
Melgund, Visct.
Morpeth, Viscount
Morris, D.
Muskett, G. A.
Nagle, Sir R.
Noel, W. M.
Norreys, Sir D.
O'Callaghan, hon. C.
O'Connell, D.
O'Connell, M.
O'Connell, M.
O'Ferrall, R. M.
Paget, Lord A.
Parker, J.
Parnell, rt. hn. Sir H.
Pease, J.
Pigot, D. R.
Price, Sir R.
Protheroe, E.
Pryme, G.
Rice, right hon. T. S.
Rickford, W.
Roche, Sir D.
Rolle, Sir R. M.
Russell, Lord J.
Scholefield, J.
Smith, B.
Spencer, hon. F.
Stanley, W. O.
Stansfield, W. R. C.
Steuart, R.
Stock, Dr.
Strickland, Sir G.
Tancred, H. W.
Thornely, T.
Troubridge, Sir E. T.
Turner, E.
Turner, W.
Verney, Sir H.
Vigors, N. A.
Vivian, right hon. Sir R. H.
Walker, R.
Warburton, H.
Ward, H. G.
Wilshere, W.
Wood, C.
Wood, G. W.
Yates, J. A.

TELLERS.
Dalmeny, Lord
Stanley, E. J.

LIGHTING THE HOUSE.] Sir *F. Trench* wished to preface his observations by an apology to the Speaker for his observation when he made a complaint on Friday night.

The *Speaker* assured the hon. Member that no apology was due to him. He should have been most happy to have entertained his complaint, but he did not prefer it in a regular manner.

Sir *F. Trench* should not have felt satisfied without having made the apology. He had often heard the Speaker say, that he was the servant of the House. Now, in his opinion, the Speaker was their master. He regarded him as a schoolmaster, the great majority of whose pupils were as riotous, as untoward, and as undisciplined a body of youths as any preceptor ever controlled without the power of corporal punishment. The complaint he had to make was, that though the extra number of lights ordered had been restored, yet that they were more of an inferior quality, so that 240 candles gave no more light than 180 did before. There never was a more dangerous, a more injudicious, or a more impracticable experiment than that which was about to be made. If he had given comfort or satisfaction even to a small portion of the Members, he should feel amply rewarded for all the trouble he had taken on this subject. He had as hon. Members were aware, taken much trouble to obtain for the House the best possible light, but he should now wash his hands of it, and leave it to the proper authority, the Office of Woods and Forests, which was responsible for it. The hon. and gallant Officer concluded with the following motion:—

"That it is essential to the safety of this House, and to the health and safety of its Members, that a report be obtained from competent scientific authorities, whether the adoption of the oleo-oxygen Bude light, may not expose this House and its Members to the danger of explosion, or to the minor annoyance of a tainted atmosphere, from any trifling accident.

"That there be laid before this House an estimate of the probable expense of the experiment of the oleo-oxygen Bude light now in progress. Also, of the probable expense of the machinery proposed to be employed to produce this light. Also, of the estimated nightly cost of the light to be produced. Also, of the proposed mode of remunerating the patentee, whether by salary, by contract or by gift."

The *Chancellor of the Exchequer* hoped the hon. and gallant Member would withdraw his motion, until the experiments about to be tried were proved to be satisfactory or unsatisfactory; and he thought the House of Commons might be better occupied than in wasting their time with discussions of this sort, which could only make them look ridiculous in the eyes of the public

Motion withdrawn.

JAMAICA—SUSPENSION OF THE CONSTITUTION.] The House again heard counsel against the Jamaica Suspension Bill, till nearly midnight and then adjourned.

HOUSE OF COMMONS,

Wednesday, April 24, 1839.

MINUTES.] Bill. Read a second time:—Drainage of Lands.

Petitions presented. By Mr. Plumptre, from the Magistrates of Kent, against the Districts Sessions Bill; from several places, for support to the Established Church in Canada; against forwarding Letters on the Sabbath; and for the Repeal of the Catholic Emancipation Act.—By Messrs. Hume, Leader, Plumptre, Finch, Elliot, Crawley, Salwey, Hawes, Mildmay, Gibson, B. Baring, Warburton, Brotherton, Shaw Lefevre, Cresswell, O'Connell, Easthope, Dennistoun, Sanford, Pringle, Bailey, E. J. Stanley, and Kelly, Colonel Wood, Lord Dalmeny, Sir R. Ferguson, Sir J. Y. Buller, Sergeant Jackson, Sir James Graham, and Colonel Davies, from a very great number of places, for a Uniform Penny Postage.—By Mr. Blakemore, from Wells, for Religious Instruction in the Colonies.—By Sergeant Jackson, from Bandon, against the Repeal of the Corn-laws; from the Medical Practitioners of that place, for Remuneration for attendance on Coroners Inquests; from Drogheda, against the Irish Municipal Corporations Bill.—By Lord Barrington, from Workington, against the Rating of Tenements Bill.—By Lord Hotham, from a place in Herefordshire, against Sunday Trading.—By Colonel Salway, from sixty-five Freeholders of Herefordshire (many of them Landholders), for the total Repeal of the Corn-laws.—By Mr. A. White, from Sunderland, against the Beer Act; also in favour of the County Courts Bill.—By an hon. Member, from a place in Ireland, for Justice to that Country.—By Mr. Hurst, from a place in Essex, for an Increased Church Establishment in the Colonies.—By Mr. B. Baring, from Stow, for Amending the Law of Settlement.—By Mr. Stansfield, from Huddersfield, for making that place one for Inland Bonding.—By Lord Ingestrie, from several places, for an Increased Church Establishment in the Colonies; from Radleigh, against the Beer Act; from Bilston, for Protection to the Established Church in Canada.—By Sir R. Ferguson, from Kirkaldy, against any further Grant to the Church of Scotland.—By Mr. Fazakerley, from the Board of Guardians of the Tiverton Union, against the present Law of Settlement.—By Mr. Wigan, from two places, for applying the Surplus Revenues arising from the Union of the Sees of Bangor, and St. Asaph's to purposes within the Diocese.—By Mr. Barnard, from Greenwich, against the Metropolitan Police Bill.—By Sir A. Dalrymple, from Brighton, against the Appointment of Catholic Chaplains to Gaols; and from three places, for support to the Church in Canada.—By Mr. Williams, from Coventry, against the Beer Act Amendment Bill.—By Mr. H. Berkeley, from Bristol, against the Rating of Tenements Bill.—By Lord Stanley, from Lancaster, against any system of National Education not founded on the principles of the Church of England.—By Mr. U. Johnstone, from Dumfries, and Annan, for further Grants to the Church of Scotland.—By Sir J. Graham, Sir J. Y. Buller, and Mr. Liddell, from several places, for further Endowing the Church in Canada.—By Mr. J. Hope, from Fife, against the Repeal of the Corn-laws.—By Mr. Cresswell, from Liverpool, against extending the measure of County Courts to that City; also against the Rating of Small Tenements Bill; and from Wigan, against any system of Education not superintended by the Clergy.—By Mr. Maxwell, from Guildford, and other places, for Inquiry into the Affairs of Maynooth College.—By Captain Alsager, from two places, to the same effect.—By Mr. W. Campbell, from the county of Argyll, for Relief from the Religious Destitution of the Highlands.—By Lord C. Manners, from Melton Mowbray, against any further Grant to Maynooth College; from Tramlingham, against the Ecclesiastical Duties and Revenues Bill.—By Mr. Hume, from Kilkenny, for Railways in Ireland; from Scone, and other places, against further Endowing the Scotch Church; from Great Torrington, for the Repeal of the Corn-laws; from several parts of Ireland, for Equal Rights, and Equal Justice.—By Colonel Wood, from Tottenham, against the Copyhold Enfranchisement Bill.—By Mr. Grattan, from Fermanagh, in favour of the Ministerial Policy in Ireland.—By Mr. F. Dundas, from Orkney, in favour of further Endowing the Church of Scotland.—By Mr. W. Patten, from Lancashire, against any system of Education not in accordance with the Principles of the Established Church.—By Sir Edward Knatchbull, from the Magistrates of Kent, against the Beer Act.—By Colonel Seale, from Dartmouth, in favour of the Removal of the Local Legislature in Jamaica.—By Colonel Wood, from Brecon, against the Bastardy Clauses in the New Poor-law Act.—By Lord Dalmeny, from Stirling, in favour of the Scotch Prisons Bill; from Dumfries, against any further Grant to the Church of Scotland.—By Mr. O'Connell, from numerous places, in favour of the Ministerial Policy in Ireland.—By Mr. W. Duncombe, from one place, and by Mr. Pakington, from several places, for Church Extension in the Colonies; by the latter, from Worcester, against the District Sessions Bill; and from another place, against the County Courts Bill.—By Sir G. Strickland, from one place, against the Bastardy Clauses in the New Poor-law Act.—By Mr. F. Kelly, from Ipswich, against any system of National Education not founded on the Principles of the Established Church; also against parts of the Imprisonment for Debt Act.—By the O'Connor Don, from Roscommon, in favour of the Ministerial Policy in Ireland.—By Sir G. E. Vivian, from Truro, against the Continuance of Idolatrous Worship in India.

HIGHWAYS.] Mr. *Barneby* moved, the order of the day for the further consideration of the report on the Highways Bill.

Colonel *Wood* did not think, that they were improving the law with respect to turnpike roads by their legislation. He thought, that the roads were better under the old system than even under the bill of 1835, the great fault of which was the abolition of the statute labour. He did not like the present Bill—it would inflict a new Board upon the country—it would necessarily require new officers, and lead to great expense. If the parishes were compelled to have a paid surveyor, a great many difficulties that at present existed in the case of parish boards would be avoided; but he strongly objected to the new board proposed by the bill. He moved as an Amendment, "That the bill be re-committed this day six months."

Mr. *Barneby* supported the bill.

The House divided on the original motion:—Ayes 84; Noes 60:—Majority 24.

List of the AYES.

Acland, Sir T. D.
Aglionby, H. A.
Ainsworth, P.
Bailey, J., jun.
Barrington Viscount
Bell, M.
Bewes, T.
Bowes, T.
Bramston, T. W.
Brownrigg, J. S.
Christopher, R. A.
Clive, Visct.
Courtenay, P.
Cripps, J.
Darby, G
Davies, Colonel
Duff, J.
Dundas, Sir B.
Eastnor, Viscount
Edwards, J.
Egerton, W. T.
Eliot, Lord
Evans, W.
Fazakerly, J. N.
Fremantle, Sir T.
French, F.
Freshfield, J. W.
Gibson, Thomas
Gordon, R.
Graham, Sir J.
Hinde, J. H.
Hodgson, F.
Howard, P. H.
Hutton, R.
Johnstone, H.
Kinnaird, hon. A.
Knight, H. G.
Lambton, H.
Langdale, hon. C.
Lascelles, hon. W. S.
Lefroy, rt. hon. T.
Lemon, Sir C.
Lennox, Lord A.
Lockhart, A. M.
Lynch, A. H.
Mackinnon, W. A.
M'Namara, W.
Marshall, W.
Marsland, H.
Mildmay, P. St. J.
Mordaunt, Sir J.
Morris, D.
Murray, A.
O'Brien, C.
Ord, W.
Pakington, J. S.
Palmer, C. F.
Palmer, R.
Patten, J. W.
Pease, J.
Peel, Sir R.
Philips, M.
Pigot, D. R.
Plumptre, J. P.
Pryme, G.
Pusey, P.
Rice, E.
Rolfe, Sir R. M.
Round, C. G.
Russell, Lord C.
Sanford, E. A.
Sinclair, Sir G.
Somerset, Lord G.
Somerville, Sir W.
Stanley, E. J.
Stansfield, W. R. C.
Stewart, J.
Strutt, E.
Wall, B.
Williams, R.
Wilshere, W.
Winnington, T. E.
Winnington, H. J.
Worsley, Lord

TELLERS.
Barneby, J.
Slaney, R. A.

List of the NOES.

Barnard, E. G.
Bethell, R.
Blackburne, J. I.
Blackstone, W. S.
Brotherton, J.
Bryan, G.
Buck, L. W.
Bulwer, Sir E. L.
Burrell, Sir C. M.
Butler, hon. P.
Calcraft, J. H.
Chute, W. L. W.
Clive, E. B.
Donkin, Sir R.
Duncombe, T. S.
Duncombe, W.
Dundas, C. W. D.
Du Pre, G.
Evans, G.
Farnham, E. B.
Fielden, J.
Goring, H. D.
Greene, T. G.
Grimsditch, T.
Grimston, Visct.
Halford, H.
Harland, W. C.
Hawes, B.
Heathcoat, J.
Hector, C. J.
Heneage, G. W.
Hume, J.
Irton, S.
Kemble, H.
Knatchbull, Sir E.
Liddell, H. T.
Lister, E. C.
Lygon, Colonel
Master, Colonel
Maunsell, T. P.
Parker, R. T.
Parrott, J.
Pechell, Captain
Perceval, hon. G. J.
Rushbrooke, Colonel
Salwey, Colonel
Sheppard, T.
Sibthorp, Colonel
Smith, A.
Smyth, Sir G. M.
Stanley, E.
Style, Sir T. C.
Thornley, T.
Turner, William,
Vere, Sir C. B.
Vigors, N. A.
Wilbraham, R. B.
Williams, W.
Wodehouse, E.
Young, J.

TELLERS.
Wood, T.
Strickland, Sir G.

House in Committee.

Mr. *Darby* opposed it, on the ground, that it would occasion the withdrawal of several persons from the management of roads and proposed as an Amendment, that the Justices should give notice at Petty Sessions to the Overseers and Churchwardens of the different parishes, of their intention to divide the parishes into districts, and that at a Special Sessions, to be held in consequence, the districts shall be formed, and notice thereof given to the different parishes; and that the parishes in vestry assembled, shall return the names of persons for District Surveyor to the Justices, who shall appoint one from the list thus given, and shall fix his salary. He would not, however, press his amendment.

Sir *G. Strickland* proposed to throw out that part of the clause enacting the appointment of a District Surveyor and District Boards, and to substitute nothing in its place.

Mr. *Sanford* supported the appointment of District Boards.

Mr. *Benett* agreed with the view taken by the hon. Baronet the Member for the West Riding of Yorkshire, and thought the present law sufficient to ensure good highways if it were properly enforced.

Mr. *Barneby* complained of Members proposing new clauses without having them previously printed, and supported the original clause.

Mr. *S. Lefevre* was in favour of the plan of the hon. Member for Sussex.

Sir *George Strickland* wished to draw the attention of the House only to the first portion of the clause, which, and not the entire clause, was under discussion. Let them divide upon that, leaving out the passage down to the word "Board." He moved the omission of this part of the clause.

The Committee divided on the amendment:—Ayes 91; Noes 18:—Majority 73.

List of the AYES.

Aglionby, H. A.
Bowes, J.
Brotherton, J.
Davies, Colonel,
Handley, H.
James, W.
Langdale, hon. C.
Marsland, H.
Mildmay, P. St. J.
Pakington, J. S.
Pease, J.
Rice, E. R.
Stansfield, W. R. C.
Stewart, J.
Troubridge, Sir E. T.
Vigors, N. A.
Wakley, T.
Warburton, H.

TELLERS.

Barneby, J.
Worsley, Lord

List of the NOES.

Acland, Sir T. D.
Alston, R.
Barrington, Viscount
Bell, M.
Benett, J.
Bethell, R.
Blackburne, I.
Blackstone, W. S.
Bodkin, J. J.
Boldero, H. G.
Bramston, T. W.
Bridgeman, H.
Brownrigge, S.
Bruges, W. H. L.
Buck, L. W.
Buller, Sir J. Y.
Burrell, Sir C.
Burroughes, H. N.
Calcraft, J. H.
Cavendish, hon. C.
Cavendish, hn. G. H.
Christopher, R. A.
Chute, W. L. W.
Clive, E. B.
Compton, H. C.
Cresswell, C.
Cripps, J.
Darby, G.
Darlington, Earl of
Duncombe, T.
Dundas, Sir R.
Du Pre, G.
Eastnor, Lord Visc.
Egerton, W. T.
Eliot, Lord,
Fielden, J.
Fitzroy, Lord C.
Gordon, R.
Goring, H. D.
Grimsditch, T.
Grimston, Viscount
Halford, H.
Hall, Sir B.
Harland, W. C.
Hawes, B.
Hector, C. J.
Hinde, J. H.
Hodgson, R.
Howard, P. H.
Irton, S.
Kemble, H.
Knatchbull, right hon. Sir E.
Knight, H. G.
Lincoln, Earl of
Lister, E. C.
Lockhart, A. M.
Maunsell, T. P.
Mordaunt, Sir J.
Muskett, G. A.
Neeld, J.
Norreys, Lord
Palmer, R.
Parker R. T.
Parrott, J.
Patten, J. W.
Perceval, hon. G. J.
Philips, M.
Plumptre, J. P.
Pusey, P.
Round, C. G.
Rushbrooke, Colonel
Russell, Lord
Bussell, Lord C.
Sanford, E. A.
Scrope, G. P.
Sheppard, T.
Sibthorp, Colonel
Somerset, Lord G.
Stanley, E.
Thompson, Mr. Ald.
Thornley, T.
Turner, E.
Vere, Sir C. B.
Wilbraham, G.
Wilbraham, hon. B.
Williams, W.
Williams, W. A.
Wodehouse, E.
Wood, Col. T.
Wood, G. W.
Young, J.

TELLERS.

Lefevre, C. S.
Strickland, Sir G.

Mr. *Barneby* said, that after the division which had just taken place, he did not know whether or not he ought to move, that the Chairman report progress, and the Committee ask leave to sit again. If the House preferred it, however, he had no objection to postpone all the clauses relating to the constitution of the boards, and proceed with the other parts of the bill. He moved that the Chairman report progress:—Ayes 47; Noes 18:—Majority 29.

List of the AYES.

Benett, J.
Boldero, H. G.

Bridgeman, H.
Brotherton, J.
Bruges, W. H. L.
Buck, L. W.
Buller, Sir J. Y.
Burroughes, H. N.
Cresswell, C.
Fielden, J.
Gordon, R.
Grimsditch, T.
Halford, H.
Hall, Sir B.
Harland, W. C.
Hector, C. J.
Hinde, J. H.
Hodgson, R.
Irton, S.
Kemble, H.
Langdale, hon. C.
Liddell, hon. H. T:
Lister, E. C.
Lockhart, A. M.
Marsland, H.
Maunsell, T. P.
Mordaunt, Sir J.
Muskett, G. A.
Neeld, J.
Packe, C. W.
Parker, R. T.
Parrott, J.
Patten, J. W.
Perceval, hon. G. J.
Plumptre, J. P.
Sheppard, T.
Sibthorp, Colonel
Stanley, E. J.
Stanley, E.
Strickland, Sir G.
Thompson, Mr. Ald.
Troubridge, Sir E. T.
Turner, E.
Vigors, N. A.
Wakley, T.
Williams, W.
Wood, Col. T.

TELLERS.

Goring, H. D.
James, W.

List of the NOES.

Aglionby, H. A.
Bowes, J.
Christopher, R. A.
Collier, J.
Darby, G.
Dundas, Sir R.
Etwall, R.
Handley, H.
Hoskins, K.
Lefevre, C. S.
Pease, J.
Philips, M.
Rumbold, C. E.
Russell, Lord C.
Stansfield, W. R. C.
Williams, W. A.
Wood, Sir M.
Worsley, Lord,

TELLERS.

Barneby, J.
Hawes, B.

House resumed. Committee to sit again.

RATING OF TENEMENTS.] Mr. *R. Gordon* moved the second reading of the Rating of Tenements Bill.

Mr. *Cresswell* objected on principle to the measure. He saw no reason why the owners of cottage property should have a different rule applied to them with regard to rating from that which applied to owners of other kinds of property. The plan had been tried, and had failed in Liverpool, where it was found oppressive to the poorer classes themselves. He moved, that the bill be read a second time that day six months.

Mr. *Langdale* disapproved of the bill, as tending still more to separate the poorer classes from the classes above them; inasmuch as the occupiers of small cottages, not being rated under the bill to the poor-rate, would be excluded from vestry meetings, and thereby prevented from mingling in public with their richer parishioners.

Mr. *Pendarves* was in favour of the bill, which he thought was necessary to prevent the owners of small cottages from escaping from payments to which they were fairly liable.

Mr. *Pryme* opposed the bill, the principle of which had been acted upon in a section of Birmingham, but had not operated satisfactorily. In Liverpool also such a measure had worked extremely ill, driving the inhabitants of small houses into still smaller houses, and not unfrequently into cellars. He would not say more, than that he considered the bill injurious to the comforts and happiness of the humbler classes of the community, and he should therefore vote against the second reading.

Mr. *Burroughs* supported the bill, because he was sure, that it would be beneficial to the poorer classes. The system of rating had been very much changed by what was called Mr. Scrope's Act; and it should be borne in mind, that the Poor Law Amendment Act had materially affected this question. Before these two Acts passed, cottage property was to a great extent not rated at all, or the occupiers were exempted from payment with the consent of the Churchwardens and Overseers. But by Mr. Scrope's Act all property was to be rated at a rack rental, and was likely to effect its object as far as regarded large properties, but not so in the case of small properties, for he believed, that hardly any two benches of magistrates in the kingdom adopted the same plan, This was not surprising, as a difference of opinion prevailed among those from whom they might expect a sound exposition of the law. A case was submitted for the opinion of her Majesty's Attorney-General, "whether Churchwardens and overseers were competent to give a valid consent to an exemption from rates where a board of guardians or a select vestry exists." The opinion given was a decided negative. A similar case was submitted to Sir W. Follett, and his answer was, "I am of opinion, that the power of giving consent to the exemption of poor persons from the payment of rates is still in the Churchwardens and Overseers." How, then, were the magistrates to act? The present was not a perfect measure; but, although it would not entirely remedy the evils which he wished to see got rid of, it would go a great way to remove them, and he should therefore vote for the second reading of the bill.

Colonel *Wood* was persuaded, that the safest course would be, to leave the law on this subject as it stood. He should therefore vote against the second reading of the bill, more particularly as he was of opinion that the termination which had been put to the system of paying cottage rents from the poor-rates would prove highly advantageous to the country. With that conviction on his mind, he could not help thinking that the present system ought to have a longer trial, and that the bill now before the House was uncalled for and premature. If, however, it should pass the second reading, then he should, when it came to be committed, move certain clauses as to the amount of rating to be paid by the owners.

Mr. *Brotherton* would vote for the bill, because he thought it would be a great benefit to the poor. If it was proposed to exclude the cottages let under a certain rent from being rated at all, he would vote for it, as he thought the poor paid out of all proportion towards the other taxes. His wish, founded upon the scenes of distress he had seen in the Borough he had the honour to represent, was, that the poor should never see the tax-gatherer. The landlords were to be allowed fifty per cent. for the trouble they were to be put to, and he thought that was just. It was not calculated, as some hon. Members had stated, to deprive any person of the right of voting, and he was sure, if the measure were fully explained to them, that it would meet with the approbation of the poor.

Sir *G. Strickland* was opposed to the bill because he did not think that was the proper time to disfranchise any part of the people because they were poor. He wished that rates should be paid by the lowest classes possible, for any one paying even a small rate, felt himself raised in society, as he was then enabled to stand on the same footing as his superior by being enabled to vote in vestries.

Mr. *Plumptre* would vote for the second reading, being persuaded that the measure would prove a very great advantage to the poor.

Mr. *Estcourt* said, that disfranchisement would not, in any degree, result from this measure. It would not deprive any one of a vote, and as he believed the bill would be beneficial to the poor, he should vote for the second reading. It might require some alteration in committee, but he thought it would be extremely unjust to throw it out upon the second reading.

Mr. Sergeant *Talfourd* had endeavoured to look upon this question with a perfectly impartial eye, because a number of wealthy persons among his constituents had requested him to support some measure of this kind, while, on the other hand, many poorer persons, who had invested their small savings in such kind of property, wished him to oppose it; and, he must say, that if any class of people should be looked upon with favour by the House, it was that class who had invested their money in land with the natural feelings of Englishmen wishing to have a stake in the soil, and that what they had acquired by industry should descend to their children. It was on no principle of the elective franchise that he felt bound to oppose the bill. If the Legislature would pass an Act to rate large estates, machinery, or even funded property, so that the rating of all property might be equitable, he should not object to the small cottage proprietors submitting to the common lot; but as long as the present anomalies in the law of rating were allowed to continue, it would be unjust to come suddenly upon the small proprietors of one of the worst descriptions of property. He believed that in the town which he represented, there were no fewer than 100 persons who were proprietors of small tenements, the rents of which were collected with great difficulty, and which were deeply mortgaged. The obligations contracted in respect to such property had been contracted in faith of the present law. He asked the House, then, whether it were prepared to pass a bill which must be injurious to the interest of that particular class of persons to which he referred? As to the clause in the bill making it optional, that was nothing more nor less than a piece of mockery.

Mr. *Pease* was of opinion, that the bill would be productive of great benefit to the poor man, and he should therefore vote for the second reading.

Mr. *Briscoe* had not heard a single dissentient voice out of the House against the principle of the bill, and earnestly hoped that the second reading of it would be carried by a large majority.

Mr. *A. White* assured the House, that if he thought the bill would be at all injurious to the interests of the poor man, he would not support it for a moment; but, being of a contrary opinion, he should vote for it.

Mr. *Cayley* believed, that the effect of the bill, if passed, would be to prevent the investment of capital in small tenements, and consequently to cause a scarcity of houses, and an increase in the scale of rents. It would, therefore, be injurious to the poor man, and on that ground ought to be opposed.

Mr. *R. Gordon* said, that the main features of the bill had been approved of by the committee which sat to investigate the subject, with the exception of three Members.

The House divided on the original motion; Ayes 32; Noes 28:—Majority 4.

List of the Ayes.

Baring, F. T.
Briscoe, J.
Brotherton, J.
Bruges, W. H. L.
Burroughes, N.
Chetwynd, Major
Courtenay, P.
Darby, G.
Estcourt, T. G. B.
Etwall, R.
Goring, H. D.
Handley, H.
Hoskins, K.
Jones, W.
Kemble, H.
Lefevre, C. S.
Lushington, Dr.
Packe, C. W.
Pease, J.
Plumptre, J. P.
Rickford, W.
Rolleston, L.
Rundle, J.
Russell, Lord C.
Turner, E.
Verney, Sir H.
Vivian, J. E.
White, A.
White, Col. H.
Williams, W. A.
Wood, Sir M.
Worsley, Lord

TELLERS.
Gordon, R.
Philips, M.

List of the Noes.

Ainsworth, P.
Barrington, Visct.
Benett, J.
Bewes, T.
Cayley, E. S.
Collier, J.
Fielden, J.
Grimsditch, T.
Hinde, J. H.
Hodgson, R.
Jervis, J.
Langdale, hon. C.
Lister, E. C.
Mackinnon, W. A.
Marsland, H.
Morris, D.
Pechell, Captain
Perceval, Captain
Pryme, G.
Scrope, G. P.
Talfourd, T. N.
Thornley, T.
Turner, W.
Vigors, N.
Wakley, T.
Walker, R.
Williams, W.
Wood, Col. T.

TELLERS.
Strickland, Sir G.
Cresswell, C.

Bill read a second time.

HOUSE OF LORDS,

Thursday, April 25, 1839.

MINUTES.] Petitions presented. By the Earl of RODEN, from one place, against any further Grant to Maynooth College.—By the Marquess of BUTE, from Dumbarton, against any further Grant to the Scotch Church.—By the Earl of SHAFTESBURY, from one place, for Protection to the Church in the Colonies.—By the Earls of ALBEMARLE, and RADNOR, and another noble LORD, from several places, for a Uniform Penny Postage.—By Lord WHARNCLIFFE, from one place, against any system of National Education not founded on the Principles of the Established Church.—By the Duke of RUTLAND, from one place, against the Repeal of the Corn-laws.

GAOL DELIVERIES.] The Duke of *Richmond* gave notice, that it was his intention to-morrow, to move for certain returns, which, in his humble opinion, were of great importance, as they concerned the due administration of the criminal law. It had been for a long time the practice of the magistrates in Sussex, to commit persons charged with small offences for trial at the quarter sessions; but it happened sometimes that between the committal and the holding of the sessions the assizes intervened, and cases had occurred where prisoners, whose names did not appear on the calendar, who were imprisoned and waiting for trial at the quarter sessions, had been discharged by the judge by proclamation. He did not mean in the slightest degree to impugn the conduct of the judge for taking this course, but he wished the matter to be settled one way or another, whether persons thus committed should be tried at the quarter sessions or at the intervening assizes. For the purpose of bringing the subject before their Lordships, he should to-morrow move "for a return of all prisoners waiting for trial in the different prisons and houses of correction in England and Wales at the last assizes, whose names were not in the calendar, specifying their offences, and those discharged by proclamation."

Lord *Brougham* quite agreed with his noble Friend as to the discrepancy of the law upon this point, and that nothing could be worse than that discrepancy. At the same time he rather thought that it would be found, from what he had collected, that the learned judge could not have done otherwise than he did.

The Duke of *Richmond* said, that in this instance there was only one gaol in the county, and the assizes were held at the house of correction. The witnesses in question were bound over to appear and prosecute at the quarter sessions.

Lord *Abinger* said, as he was the judge who had been alluded to he might be permitted to make a few observations. The duty of the magistrates was to commit prisoners in such manner that they might take their trial as speedily as possible after commitment. If magistrates had power to commit over an assizes to an adjourned quarter sessions, they might commit from one adjourned sessions to another for six months. The general rule was, that the judge should discharge the gaol, particularly of all the prisoners whose names were in the calendar. In this instance the name of the prisoner was in the calendar; he was called up by proclamation, and he felt bound to discharge him. He thought it would be very convenient if the noble Duke would take this opportunity of bringing in a bill to govern the practice, leaving no discretion to the judges whatever.

The Duke of *Richmond* said, on this occasion there was a difference of fact between the noble and learned Lord and himself. According to the information which he had received, the prisoners to whom he alluded were not in the custody of the Sheriff at all, but in the custody of the keeper of the House of Correction, and his motion was for a return of those only whose names were not in the Calendar. His object was, that there should be a uniform rule.

Lord *Denman* said, there was a difference of opinion on the subject, and the noble Duke would do great service to his country by bringing in a Bill to settle the question.

Notice given.

TURKEY AND EGYPT.] Lord *Brougham* had been very much gratified on a former occasion at the answer which he had received from the noble Viscount at the head of her Majesty's Government, when he made an inquiry as to the course which Ministers meant to pursue with respect to any dispute that might arise between the Grand Seignor and Mehemet Ali, the Pasha of Egypt. He had been then informed that the strictest neutrality would be observed between the two parties. Now, it was highly desirable that this intention should be carried fully into effect, and that the rule thus laid down with respect to Egyptian affairs should be strictly adhered to, that rule being, that no encouragement or assistance should be given to either party, but that a decided neutrality should be kept up with respect to both. Circumstances had occurred, however, which, to the untutored mind, as it was termed, of the Pasha, might appear to warrant the conclusion, or might lead him to suppose—that the British Government had a leaning more to one side than to the other. He alluded to five sail-of-the-line having been sent out to cruise in his neighbourhood, and also to the fact that a number of British officers had gone out to Turkey, and had enlisted in the service of the Grand Seignor. This certainly might be considered as looking something like a leaning more to one side than the other, as, in fact, a departure from strict neutrality, and he should be glad to have some explanation on the subject.

Viscount *Melbourne* said, there was not the smallest alteration in the policy of her Majesty's Government with reference to this question. True it was, that some officers had gone out for the purpose of improving the Turkish navy, but, owing to some misunderstanding, they had not yet entered the Sultan's service, but remained unemployed at Constantinople. This country still continued completely neutral, and nothing whatsoever had been done in contradiction to the line of policy which he had declared on a former occasion. The policy of Government still remained precisely the same, and he was happy to say that they had received from all their allies the most distinct and explicit declarations that they meant to adhere to the same neutral course of policy, and that they would use all the means in their power to prevent hostilities taking place between these two parties. He thought it right to state, that her Majesty's representative at the Turkish Court had received the most distinct and positive instructions to use his best efforts, in conjunction with the representatives of other Powers, to preserve peace in that part of the world.

Lord *Brougham* rejoiced that he had afforded the noble Viscount an opportunity to make so satisfactory a statement.

Subject dropped.

HOUSE OF COMMONS,

Thursday, April 25, 1839.

MINUTES.] Petitions presented. By Captain BERKELEY, from Bristol, against the present system of Registering Parliamentary Electors.—By Mr. LITTON, from Kilmore, against any further Grant to Maynooth College; from another place, against the present system of Education in Ireland; from several places, against the Irish Municipal Reform Bill; from two places, against compelling Presbyterian Soldiers to attend the service of the Established Church.—By Lord DUNGANNON, from a parish in

Durham, against alienating any of the Surplus Revenues of that See; from a place in Denbighshire, for Church Extension in Canada; and from several places, against any system of National Education not founded on the Scriptures.—By Sir G. CLERK, from the Edinburgh and Leith Glass Company, against the Excise Regulations; and from three places, in favour of Church Extension in Scotland.—By Mr. LOCKHART, from two places, to the same effect.—By Captain BERKELEY, Mr. HAWES, Mr. C. DUNDAS, Sir H. PARNELL, Mr. BARING, Dr. LUSHINGTON, Mr. PHILPOTTS, Mr. M. PHILIPS, and Sir R. PEEL, from a great number of places, for a Uniform Penny Postage.—By Sir R. INGLIS, from several places, for Church Extension in Canada.—By Mr. STANLEY, from eight Parishes in Anglesea, against alienating any part of the Church Property of the Islands.—By Mr. PAKINGTON, from several places, for Church Extension in Ireland.—By Mr. COMPTON, from a place in Hampshire, against the present system of Licensing Public Houses.—By Mr. EASTHOPE, from eight Congregations in Leicester, against the Imprisonment of David Jones and Mr. Thoroughgood.

LITHOGRAPHED PETITIONS.] Mr. *G. Wood*, in presenting the report of the Committee on public petitions, said he had been requested to call the attention of the House to the fact of several lithographed petitions having been recently presented, and to ask the House whether they were of opinion, that as printed petitions were, by a rule of the House, rejected, lithographed petitions did or did not fall under the same rule?

Sir *G. Clerk* did not think there should be any distinction made between them.

Mr. *Warburton* did not see the common sense of excluding printed petitions. It was said that they were less likely to be the spontaneous act of the petitioners than manuscript petitions; but he could not see how that was the case, since the petitions, whether written, printed, or lithographed, were prepared by other individuals than the bulk of the petitioners themselves. He did not know, therefore, why they should make a difference between petitions which, merely for the sake of saving manual labour, were printed or lithographed, and those that were presented in manuscript. He hoped the reception of lithographed petitions would form a precedent for the reception of printed ones.

Lord *Stanley* observed, that it was well known that a great number of petitions were got up, a considerable portion of the persons signing which were utterly careless, and sometimes utterly ignorant of their contents. Now, there was nothing more likely to draw contempt upon the whole system of petitions, and he much feared that the admission of printed and lithographed petitions would only increase that evil. The hon. Member for Bridport hoped that the reception of lithographed petitions would lead to the introduction of printed ones; he went to the opposite conclusion, and, adhering to the rule of the House, hoped that by checking their reception, they would prevent the introduction of petitions which, upon the face of them, were not the spontaneous petitions of the parties signing them. If they objected to printed petitions, they ought also object to lithographed ones. He saw no difference between them.

Mr. *Hume* said, that, as admitted by the noble Lord, persons were frequently called upon to sign petitions which they did not understand. If so, what better means could be resorted to for rendering petitions intelligible than by having them printed? There were many persons who could not read written who could read printed petitions. Besides, if petitions of any considerable length were printed, hon. Members would be much more likely to read them. He always asked if he could have a printed copy, as he could read it much more easily.

The *Speaker* said, that it certainly was necessary for the House to come to some decision upon the subject. It having been decided, by a resolution of the House, not to receive printed petitions, it behoved them to assign a reason why they should receive lithographed petitions. The object to be attained was, to put the House in possession of the real sentiments of the people; and as it was rather a matter of importance, perhaps some hon. Member would think it right to call to it the attention of the House.

Mr. *Wood* gave notice of his intention to do so on Tuesday next.

Subject postponed.

FOURDRINIER'S CLAIM.] Mr. *Mackinnon*, in bringing forward the motion on this subject, of which he had given notice, said he regretted that the case of Messrs. Fourdrinier had not fallen into hands more competent to do justice to it than he could pretend to be. The task, however, had been forced on him. In 1836, a committee was appointed to investigate the claims of Messrs. Fourdrinier, and at the instance of the Chancellor of the Exchequer, he was named on and appointed chairman of that committee. Until then he had no knowledge whatever of the claimants. When he presented the report of the committee to the House, it was objected to by the Speaker, because the word "compensation" was used in it, and he called attention to this point only because a report was read in 1832, in which not only the word "compensation," but the expression "pecuniary compensation" was to be found. He mentioned this to show, that if the report of 1836 was objectionable, it was no fault of his; that it was so, because there had been a precedent previously established for pursuing such a course. It might be said, that Messrs. Fourdrinier were not the inventors of this plan; but although they were not the inventors, yet it had been brought by them to such a degree of perfection, as to enable the country to benefit by the discovery. The merits of an invention, it was admitted, did not belong so much to the individual by whom the discovery was originally made, as to the party by whom it was applied to the advantage of the community. The House was probably aware, that previously to the discovery, paper was made by the hand, and the process was both tedious and expensive. The machinery invented by Messrs. Fourdrinier was of a very complicated nature; but by it paper could be made, without manual intervention, of any length, to the extent of several thousand yards in one continuous piece. It might be asked, how had they lost the benefit of this patent? It appeared that they had expended a great portion of capital in bringing the invention to perfection. Many attempts were made to pirate it, and thus involved them in litigation. An action was brought by the Messrs. Fourdrinier, and they obtained a verdict, but, on an application to the Court of King's Bench, the Chief Justice granted a new trial, merely because the word "machine" instead of "machines" was inserted in the patent. Their funds were by that time exhausted, having expended upwards of 40,000*l.* in the invention, and they were unable to defend their rights any longer. The boon to the public, by the invention, had been immense. Every trade, and every department of science, and the arts, had been benefitted by it. In the potteries, it had been shown that, but for the invention of Messrs. Fourdrinier, it would have been impossible to have brought china to such perfection ss it had been. Mr. Brunel, the eminent engineer, considered the invention one of the most splendid of the present age, and Mr. Lawson, of the *Times* newspaper, had given similar testimony. The machinery of Messrs. Fourdrinier was such, that all risk and labour was avoided by it. In 1800 there were no machines in existence, and the duty on paper then received, amounted to only 193,533*l.* In 1821, the amount of duty had risen to 572,867*l.*, and in 1835 it was 833,832*l.*, He did not mean for a moment to say, that had machinery not been invented, the duty would not have increased progressively, but he would say that, without the aid of the machines of Messrs. Fourdrinier, it would have been perfectly impossible that it could have risen in the extraordinary manner that it had. From 1800 to 1835, the absolute gain to the community amounted to 6,000,000*l.*, and the increase in the revenue was not less than 500,000*l.* a year. He hoped that he would not be opposed on this occasion by her Majesty's Government. They could not refuse to remunerate Messrs. Fourdrinier, otherwise they must refuse to remunerate any inventor in future, which would be a great detriment to the public generally, and upon the same principle, the country had been injured to the amount which had been paid to former inventors. He did not wish to occupy the time further upon the subject, and should therefore conclude by moving, that the report on the re-committal report of the Committee on the claims of Messrs. Fourdrinier be taken into consideration.

Mr. *Hume* said, he apprehended, that the hon. Gentleman should either move an address to the Crown, or that the House should go into a Committee of the whole House on the subject of his motion. It was quite clear, that the House could come to no resolution on the present motion.

The *Speaker* said, that there were three stages to be gone through before the hon. Gentleman could arrive at the object which he had in view; and the first step to be taken was to refer the question to a Committee of the whole House, and to have their report on a resolution for granting the money intended to be given as compensation.

The *Chancellor of the Exchequer* said, he had certainly understood from those who had waited upon him on the subject, that no money vote was to be asked for on the present occasion. He fully concurred in the suggestion of the hon. Member for Kilkenny.

Mr. *Mackinnon* said, that he would adopt the suggestion which had been thrown out. The hon. Gentleman then moved, that the House should resolve itself into a Committee of the whole House on the claims of Messrs. Fourdrinier.

The *Chancellor of the Exchequer* said, he was not there to deny in any shape the merits of the invention of Messrs. Fourdrinier, or that it had been of great benefit to the public at large, and also to the revenue of the country, but it by no means followed that they were entitled to pecuniary compensation from that House. There was no subject upon which the House was bound to exercise greater discretion than in money grants. The mere question of the ingenuity of an invention would not give the party a claim upon the bounty of that House, and he did not think the present case formed any exception to the general rule upon that subject. He was one of those who thought it right that rewards should be given to merit, but it behoved the House to exercise the power they had to give those rewards with caution, otherwise they would be offering a premium to applications for pecuniary grants. He was willing to consent to the present motion, and after the opinion of the House had been expressed upon the subject, he would state what course her Majesty's Ministers intended to pursue.

Lord *F. Egerton* thought, that the Government generally had drawn the line of reward for merit with great severity. He was of opinion, that the most liberal consideration of the House ought to be directed to this application. The invention was one of great importance, and in the highest degree deserving of public support.

Mr. *M. Philips* said, that there was scarcely any invention which had been productive of greater advantage than that of the Messrs. Fourdrinier. There was no one more opposed than he was to granting public money from any regard to individuals; but this case was of so peculiar a nature, that he thought there was a very strong claim upon them for compensation. He had been a Member of the committee, and in his opinion a stronger case was never made than that of the Messrs. Fourdrinier, whose invention might truly be termed a magnificent one—an invention scarcely inferior in importance than calico printing. Such results as had followed that invention would not have been otherwise produced, and feeling strongly the claims which those gentlemen had, he hoped, that compensation would be granted to them. Every Gentleman acquainted with the merits of the case, and with mechanical agencies, was an advocate for the compensation of the originators of so important and valuable an invention. He had presented petitions from several talented individuals of that description in support of this claim, and he should not be doing justice to them if he did not give his opinion as entirely favourable to the grant of compensation.

Mr. *Baines* said, that every individual, with one exception, to whom the Messrs. Fourdrinier had been indebted, was paid 20*s.* in the pound. It was a most important invention, and one from which the public every day derived advantage, inasmuch as it had considerably reduced the price of paper. If it had not been for that invention, a great deal of the benefit which had been derived from the extension of cheap information would have been lost to the public. There could be no stronger claim than that of the Messrs. Fourdrinier, whose fortunes had been overwhelmed by the exertions they had made to bring that invention to perfection, and push it forward into practical operation.

Mr. *Hume* said, that it was true every inventor thought that his own discovery was of the first importance to himself and the nation, and perhaps the Chancellor of the Exchequer would be right in opposing such a claim as at first sight that appeared to be. But it was, however, a case which possessed peculiarly strong claims upon their sympathy. Sir William Congreve had got 1,200*l.* a-year for the invention of rockets; and with that fact before them he thought that they might feel themselves justified in compensating the author of an invention certainly not less useful to the public. With respect to the details upon which the claim was founded, he should say that he never heard a case so well supported by the evidence as that had been. Every individual who had any experience with respect to the consumption of paper and the expenditure attendant upon it, had borne testimony to the vast importance and advantage of that invention. He thought that her Majesty's Government ought to take the case into consideration, particularly as from the time of life at which the Messrs. Fourdrinier had arrived, it was not probable they would be long a burthen upon the public.

Sir *R. Peel*:—Sir, I regret that her Majesty's Government have not pursued another course with respect to the claim which is now before us. The constitution has wisely given to the Government the sole power of deciding in such cases as to whether any claim of this description shall be admitted or not; and, no matter how the House of Commons may decide, the veto lies with them. If, in every case where any invention was made, calculated to diminish human pain or labour, or to advance science, the claims of those who were the inventors should be brought under discussion, and recompense granted, the Government would establish precedents that might ultimately be found productive of great difficulty; but, on the other hand, if this case be found to be one which, from its peculiar merits, is not calculated to produce the evils which might result from a bad precedent—if it should appear that it is an extraordinary exemption of that description—the Government have the power to grant the compensation claimed. I think, however, that bringing this case before the House for discussion, at a period when her Majesty's Government have not made up their minds as to whether compensation should be granted or not, is calculated rather to embarrass them in its further consideration, and raise hopes in the minds of the claimants which may not ultimately be fulfilled. In such a discussion, where there is a claim before the House upon the part of a person who may be possessed of great ingenuity, and who may also be suffering from the pressure of poverty, when it is no party question, the natural sympathies of the House will be found in favour of the claim, and the majority will be found to vote for compensation. Persons are naturally inclined to lend support to one who is represented as suffering disasters consequent upon his exertions to bring forward an ingenious invention, and it is on that account that the constitution has given to the Government the decision of those claims for compensation. Public sympathy will in general be found to support such claims and I venture to state that I could bring forward one hundred similar cases where the sympathies of the majority in this House would be entirely in favour of the claimants for compensation. Persons are naturally liberal towards those possessed of ingenuity. The public purse is very deep; but, although it can afford to grant rewards for inventions or discoveries which have a tendency to benefit the public, that does not supply a sufficient reason why we should establish the precedent of leading inventors to hope for reward from any other source than the success of their inventions. I object to this discussion before the minds of her Majesty's Government are made up with respect to the admission or rejection of the application; for if the House should decide in favour of compensation, it is clear that the Government will scarcely have a fair discretion left to them. If they do not concur with the decision of the House, then it is equally clear that the discussion is entirely thrown away. If they were acquainted with the merits of the case, why did they not come to some decision upon it, instead of permitting it to be discussed in this House with such imperfect information as must necessarily exist, where some hon. Members merely recollect the circumstances and others are unacquainted with it? Why did they not avail themselves of the assistance which they could easily command in order to enable them to come to a decision upon it, instead of allowing it to be discussed here; for it is manifest that the difficulties of the case will be greatly increased, so far as the Government are concerned, if they should feel it necessary to act in opposition to the determination which the House of Commons may come to. It appears that these gentlemen were engaged in a profitable trade in 1800 and 1801; in 1800 their profits amounted to 14,000*l.*, in 1801 to 14,215*l.*, but in 1802 they only amounted to 4,000*l.*, in consequence of the withdrawal of capital from their business for the purpose of pushing forward an invention. I regret that persons engaged in so profitable a business did not give better consideration to the subject before they withdrew their capital from it for the purpose of carrying out that invention. The other cause of loss which has been assigned is some technical objection which was made before the Court of Queen's Bench. I regret that this loss should have taken place, but if these grounds be adduced as the reason for our granting compensation, I must say that a thousand cases equally strong might be brought before us by inventors. We cannot establish such a precedent, no matter how great the skill or ingenuity displayed, of making the public the paymasters for those inventions, notwithstanding the public may receive benefit from them. There are hundreds of cases which might be adduced where great advantage has been conferred upon the public without a corresponding benefit to the inventors; for instance, surgeons who have not succeeded in business, although they might have made discoveries which vastly diminished the amount of human suffering. I should regret as much as any one, that such deserving individuals should not receive a benefit in some degree proportioned to that which they might have conferred upon the public, but I could not permit my sympathy with individual loss to overbear the public interest. It would be better, if the Government wished to grant those gentlemen some reward, that they appointed them to offices in the Excise, or some similar office, than that they should establish such a precedent. I do not blame the Government for not having done this; but I merely say that it would be a better mode of granting them a reward for this invention, or a compensation for their loss. There have been thousands of cases in the navy and various other departments, where, as I before remarked, great public benefits have been conferred without a corresponding advantage to the inventor; and we could not grant compensation in this case, without opening the way to those other individuals who were not successful in their inventions. There are numerous inventions made by artisans in a low situation to which these observations would equally apply, and by voting compensation in the case now before us we shall merely establish a precedent for those applications. It is extremely painful to be obliged to oppose a claim with which we cannot but have sympathy, but in such cases our better feelings are often opposed by our sense of public duty; and I must again say, that there are numerous other cases, perhaps not so strong as this, to which, by granting the compensation now applied for, we should suffer our sympathy with individual loss to overbear the public interest. The same may be said of inventions connected with the navy, where the inventors have, from some cause or other, not received the rewards of their ingenuity.

Sir *Robert Inglis*, agreeing with his right hon. Friend who had just sat down, as to the easiness of being liberal at the public expense, believed that there was no danger of any improper precedent being established by granting compensation in the present case. Only one similar case had occurred within the last thirty years, and if there really existed the danger imagined by his right hon. Friend, it was extraordinary such a period should have elapsed without any such application. He believed that these gentlemen had a claim on the justice of the House for compensation, as they had contributed largely to the increase of the public revenue at a great loss to themselves, and he could not concur in the course taken by his right hon. Friend. He did not think his right hon. Friend would have objected to the vote if the Government themselves had proposed it. He understood his right hon. Friend to object to the grant, because it was one of those cases which might be brought forward hereafter to compel the Government to yield a similar grant. If that were so, he (Sir R. Inglis) hoped his right hon. Friend would not suffer this case to be prejudiced merely because her Majesty's Ministers had not taken the precise mode of bringing the case before the House which they ought to have taken. He hoped that such compensation would be given to the Messrs. Fourdrinier as their invention deserved.

Mr. *Godson* said, that in the year 1800 the Messrs. Fourdrinier were worth £.14,000 a-year. They had applied a portion of their capital for the purpose of introducing this machinery and making improvements. Owing to this they found they were opposed by all the paper manufacturers in the kingdom; and it was not one law suit, it was nearly one hundred which they were obliged to bring for the purpose of enforcing their rights. The House would see that no individual, however rich, could stand a combination such as this. In 1807 they found that by actions in courts of law to protect their rights and other proceedings they were £.60,000 out of pocket. In 1807 they became bankrupts, and the assignees determined to go on with the actions; they recovered a verdict; and on a motion for a new trial, the Lord Chief Justice said, that as the patent was for making paper from 30 to 40 feet long, and from 3 to 12 feet wide, the machine which was produced in Court could not effect that; so that they were ruined, not from a defect in their patent, but from a want of mechanical knowledge in the Chief Justice, for had they had property sufficient to have gone to a new trial, they would have proved that a combination of those machines was capable of making paper in the manner described. He thought that the better way to consider this case was, to suppose that there was no patent at all, and to suppose that an individual had introduced an invention by which the Government in the consumption of paper in the Stationery-office saved £.15,000 a-year. The ingenuity of the invention was so great that felt for the preservation of ships' bottoms might be made by it. Teaboards and many other articles might also be made by the same machinery. Then, what was the principle on which they were asked to reward this ingenuity? Putting the question of the patent out of consideration, they had an invention by which it was admitted that they were enabled to have paper of any size, and by which they obtained also many other advantages. If the House at any other time were right in granting a reward, they would be right in granting one in this instance; but if they wished to establish a precedent that they were never to grant another reward, then he could understand their position.

Mr. *Pryme*, as a member of the committee, begged to offer his testimony to the extraordinary merits of the invention. He hoped the Chancellor of the Exchequer would be induced to reward it.

Mr. *H. G. Knight* said, one important thing to consider was, that the unfortunate inventor had in this case been ruined by protecting the invention. He hoped that on this occasion the House would attend to the application.

Mr. *D. Maclean* said, he had been on the committee, and had heard sufficient to be convinced that this would be a most worthy exception to the general rule, and a very proper occasion on which to make a grant. He would put it to the Chancellor of the Exchequer, whether it were not a claim to be taken into consideration. He did think, that if there ever were a case on which to set up a precedent of justice, this was a case. He hoped the Chancellor of the Exchequer would allow them to go into committee, after the general expression they had heard in favour of the grant.

The *Chancellor of the Exchequer* hoped the hon. Member would withdraw the motion. He fully concurred in the general principle laid down by the right hon. Baronet opposite (Sir R. Peel). He thought this was a very peculiar case, bearing on the whole manufacturing industry of the country in various branches of manufacture; and he thought it was not too much to ask, on the part of the Government, before they finally made up their minds, that they should hear evidence on both sides, and other evidence besides *ex parte* evidence. He was anxious that they should have the opportunity of hearing both sides.

Mr. *Mackinnon*, in compliance with the feeling of the House would withdraw the motion, being perfectly satisfied with the assurance of the Chancellor of the Exchequer, that he would take the case into consideration.

Motion withdrawn.

ECCLESIASTICAL COURTS.—DAVID JONES.] Mr. *Hawes* said, that he thought it his duty to bring under discussion in that House a petition which he had had the honour to present a few weeks ago from a poor tradesman, who was confined in gaol under the authority, or, he should rather say, in consequence of the exercise of the jurisdiction of the Ecclesiastical Courts. In bringing a motion of this sort before the House, involving, as perhaps it would involve, the mention of the names of individuals of some station in the country, he wished while he did not in the slightest degree shrink from stating the facts, and expressing his opinions on those facts, to state those facts accurately, and to express his feelings and opinions without committing any personal offence. If he were correctly informed, if the facts stated in the petition were true, a more flagrant case of oppression had scarcely ever been brought before the notice of the House of Commons; and although it might be difficult to deal with individual cases, or to offer compensation or reparation for the wrong or injury, that might have been sustained, at least the discussion would have this effect, that it would direct the eyes of the public to the course of proceedings of those Ecclesiastical Courts, and if it did not ultimately remove them, it would in all probability materially temper and influence the exercise of their power. In the first place, then, he would state the facts of the petition; he would then draw the attention of the House to a similar case of oppression arising out of a suit instituted by the same individual, and he should then call the attention of the House very briefly to the report of the commissioners on Ecclesiastical Courts, with a view to justify his motion. The petitioner in this case was a man in a very humble station in life; and on that account, having neither name, nor family, nor fortune to back him against oppression, had only to look to the sympathy of that House, and he therefore trusted, that the Members who were present would feel it their duty to support his present motion. The petitioner, whose name was David Jones, was at this moment a prisoner in Carmarthen gaol; he was a weaver, and was of a persuasion that was exceedingly obnoxious and offensive to persons entertaining what were called orthodox opinions; he was a poor man and an Unitarian. He resided for many years at Llanon, in the county of Carmarthen, and in 1837 was elected Churchwarden. Conjointly with him a man of considerable wealth and consequence was also elected, and he wished to impress upon the House the difference with which these two persons were treated. In the same year in which the petitioner was elected, Mr. Rhys Goring Thomas was appointed vicar's Churchwarden, by the vicar, the rev. Ebenezer Morris. Mr. Thomas never attended Church, he never discharged any duty of Churchwarden, and yet he was never cited into the Ecclesiastical Courts to account for his neglect of duty. The petitioner, after his appointment as Churchwarden, called a vestry. That vestry was called to make a Church-rate. About twenty-five persons attended the meeting; a question of adjournment was moved and successfully carried, so that this individual endeavoured to do his duty; he endeavoured to get a Church-rate; he failed by the decision of the parishioners in vestry assembled, and he now asked the House to attend to the steps taken by the Minister of peace and charity against this poor man. The first thing done by this clergyman, who, if he was not a Minister of peace, was a Minister of the Church of England, and a pluralist, was to send to the petitioner on the 25th of May a written notice to provide bread and wine for the sacrament, to which the petitioner on the 11th of June replied, that he had no funds out of which to procure them, and that he was too poor to provide them at his own cost. Upon this, the petitioner was cited into the Ecclesiastical Courts, and proceedings were commenced against him, to which proceedings he would presently allude. The result was, that the petitioner was condemned for contumacy, and by a process issued by the Court of Queen's Bench, the petitioner was arrested for the debt and costs, and was incarcerated in the gaol at Carmarthen, where at that hour he remained. In order to show to the House the nature of the proceedings, that had been taken against the petitioner he had thought it right to ask for the best legal authority he could obtain, and he was fortunate enough to obtain the opinion of two most eminent civilians; and he hoped, his hon. and learned Friend the Member for the Tower Hamlets (Sir S. Lushington) was present, for he was sure his hon. and learned Friend would bear his testimony, that there were not two more eminent men in their part of the profession than Dr. Addams and Dr. Haggard. He had obtained the opinions of those eminent men, and he would first read the opinion of Dr. Addams, upon the articles that had been exhibited against the petitioner in the Consistorial Court. The following was the answer of Dr. Addams:—

"The only answer required to these articles is a negative issue on the part of the defendant. The promovent is then put on proof of the articles, and must make such proof of them as he best can. The articles themselves are absurd, and their admission should have been opposed on the part of the defendant. As it now stands, all that the defendant can do is to cross-examine promovent's witnesses, if he thinks fit; and when their examinations are concluded, should it be necessary, to file a defensive plea. If the defendant can prove by cross-examining the witnesses of the promovent the necessary facts to his defence (especially that he, the defendant, called a vestry, which vestry refused a rate), it may be unnecessary for him to plead, otherwise he must file at the proper time a defensive plea. I think the promovent's case untenable, and his proceeding unwarrantable on the face of it; and unless the cause is mismanaged on the behalf of the defendant, the final issue must, I think, be the dismissal of the defendant with his full costs."

The case did proceed, and the court did not come to the result which was anticipated by Dr. Addams; and here he begged to say that he should have a few words to address to them respecting the competency and disinterestedness of the judges of those courts; but he would now proceed to read the opinion of Dr. Haggard, which was as follows:—

"I am of opinion that the articles are not proved; and that the defendant, upon the evidence sent herewith, is entitled to his dismissal. It would have been as well to have established that the defendant is in a humble condition of life, and that the incumbent's warden had not qualified; but these circumstances appear to me not sufficient to induce me to advise his proctor to plead, and I recommend him to decline pleading, and to submit that the case is not proved, and that the defendant should be dismissed with his costs. The proceeding is but little calculated to assist the question of diocesan jurisdiction, and will, in my opinion, on an appeal, make but a very sorry appearance. Should, however, the defendant be sentenced against, it would, I think, be proper to consider whether he should not appeal; but I trust that the case will be dismissed."

With all these circumstances, that there should be a tribunal possessing these powers, that the law should be intrusted to such hands, and that a court should proceed to incarcerate a man and keep him in prison for months, appeared to him to be the most flagrant case he had ever heard. He must say, seeing that the abolition of the jurisdiction of these courts had been long before the House in a report made by commissioners, of whom the right hon. and learned Gentleman, (Sir S. Lushington), was one, that it reflected no credit upon a reformed Government that they should have allowed the question to remain still unsettled. If this were a solitary case he might, perhaps be scarcely justified in doing more than placing the petition upon the Table of the House and calling the public attention to it; but this was not the only instance in which the rev. Gentleman in question, meek and charitable no doubt, had distinguished himself in a similar manner. A respectable farmer, a person farming to the amount of two hundred acres of land, had also been treated in a similar manner by the same prosecutor. This rev. Gentleman, Mr. Morris, was also vicar of Llanelly, where it was the custom to elect one churchwarden, who was called the vicar's churchwarden. Mr. James, a dissenter of the Independent persuasion, was elected to the office of churchwarden by the parish. In this case it was understood that Mr. James was not to act differently from his predecessors; whereas, in fact, he did do more than many who preceded him in that office, and rendered some useful services to the parish. In the meantime, in 1837, the general election took place. Mr. James fancying he had a right to vote as he pleased, gave his support to Sir J. Williams. The vicar, however, happened to be a warm partisan of the Tory candidate, and gave his strenuous opposition to Sir J. Williams. After a year of his office had expired, Mr. James was cited before the Ecclesiastical Court of St. David, by the rev. E. Morris, Mr. James being a dissenter, and known to be such when elected to his office; he was cited for absenting himself for several Sundays from church. He was cited; the case proceeded, and eventually he was condemned and cast in costs, and, as he did not choose to pay them, he was committed to gaol. [An hon. Member: Is that circumstance mentioned in the petition.] There was no petition in this case, but he thought he was entitled to speak of an individual case of oppression without a petition, and from his own personal knowledge he could vouch for the correctness of the facts he mentioned. The judge of the court before which Mr. James was cited was the rev. James Orchard Williams, a rural dean and surrogate, and also the editor of the Tory Carmarthen journal. So that in this case here was the prosecutor, a clergyman and a Tory partisan, and the judge who condemned him also a clergyman and a Tory partisan. In the year 1812 Lord Folkestone presented a petition to this House, complaining of a case of oppression very similar to the present, the circumstances of which were these:—Two women of whom the petitioner was one, fell out and abused each other in the street. In consequence of some expressions made use of by the petitioner her opponent instituted a suit against her in the Ecclesiastical Court, and at the end of a year she was sentenced to perform penance. Having failed in this, she was ultimately excommunicated. A process was afterwards issued out of the Court of King's Bench, under which she was arrested, and for two years she continued a prisoner in the gaol at Bristol. The petitioner was a pauper, and her father, who was also a pauper, supported her in prison, being assisted therein by several charitable individuals. Now, he always thought that the union between the Church and the State was prejudicial to the Church, and he must say, that he thought such proceedings as those he had detailed would be most likely to strengthen that opinion in the minds of others, who did not at present entertain this view so strongly as he did. He was aware that this House could not come forward to liberate a man who was imprisoned for a debt; all they could do now was to send forth such an expression of opinion upon the subject as should put an end to such proceedings as these for the future. The prayer of the petitioner was only this—that "his sufferings might not be inflicted upon others, and that an end should be put to this odious jurisdiction," In 1830 a commission was appointed to inquire on this subject, and the recommendation of that commission was as nearly as possible the same as the resolution which he (Mr. Hawes) was now about to move. He wished it to be observed also that this report had the sanction of the Archbishop of Canterbury, and several other eminent authorities, including his right hon. and learned Friend below him (Sir S. Lushington). One single recommendation of this commission had only been adopted, namely, that of transferring the jurisdiction of the delegates to the Privy Council. When he looked to the number and variety of the ecclesiastical courts, he thought that the House would see the propriety of taking the subject into its consideration with the least possible delay. Besides the ordinary ecclesiastical courts, including the provincial courts of Canterbury and York, there were peculiar courts of various descriptions in most dioceses, and in some they were very numerous — Royal, Archiepiscopal, Episcopal, Deaconal, Sub-Deaconal, Prebendal, Rectorial and Vicarial. These peculiar jurisdictions in England and Wales amounted in number to 300. It appeared further from the report that in some cases these jurisdictions extended over large tracts of country, embracing many towns and parishes. In others several places might be comprehended, lying at a great distance apart from each other. Again, some included only one or two parishes. The jurisdiction exercised in these different courts was not defined by any general law. It was often extremely difficult to ascertain over what description of causes the jurisdiction of any particular court operated, and much inconvenience resulted from this uncertainty. In the majority of the peculiar courts, and perhaps in all there neither were, nor could be, efficient and experienced judges, officers, advocates, or practitioners, the emoluments being too small, and the number of cases too few, to ensure those requisites for the due administration of justice. The consequence was, that no confidence was reposed in these tribunals; and delay arose, and expense was incurred in applying for letters of request, and in resorting to other means of escaping the jurisdiction. In some cases, too, the grievance was enhanced by the multiplication of appeals. In 1812, when the case he had referred to was brought before the House, the opinions which were then pronounced with respect to these Courts, were supported by Sir S. Romilly and many other eminent authorities; and Sir W. Scott (Lord Stowell) brought in a bill, which passed the House of Commons, for the purpose of putting the inferior Ecclesiastical Courts under the higher provincial Courts. He considered this subject was one of the greatest importance. When they saw clergymen acting everywhere as political partisans, and also acting as judges, and invested with the means of perpetually examining into matters of conscience of individuals, and persecuting them for their religious opinions—when they saw the Church prostituted to such miserable and contemptible objects, if there was one thing more than another, that could bring discredit and weakness upon that Establishment, it was, that a state of things such as he had described should be allowed to continue. The House of Commons had come forward the other night to pass a vote in approval of the conduct of Ministers in vindicating and protecting the principles of religious liberty in Ireland; he could only now hope, that the same protection would be extended over the rights of conscience of the people of England also. He trusted, that the House, by its vote this evening, would give an earnest of its willingness, when a gross case of oppression was brought before it, not to be backward in affording all the redress in its power. He should conclude by moving a resolution, "that, in conformity with the recommendation of the Commissioners on Ecclesiastical Courts in England and Wales, this House is of opinion, that the jurisdiction of the inferior Ecclesiastical Courts should be abolished without delay."

Mr. *Pryme* rose to say, that he could not assent to the motion. He would admit, that the case made out was one of great hardship; but he hardly thought it a sufficient reason for abolishing courts that might have other functions and powers which were exercised beneficially. He was adverse to every case being brought up to the metropolis, inconvenient and expensive as it might be to the parties concerned; and although there might be some points on which most hon. Members would say these courts ought to be abolished, yet he thought, that instead of that being done, it might be better to modify them, and would therefore suggest an amendment to that effect.

Mr. *W. O. Stanley* observed, that he considered this a case of oppression, and that the poor man had here suffered for the neglect of the rich. If any part of the statements which had been made by the hon. Member for Lambeth were questioned, he had the proofs of their correctness in his possession. He would put it to those who had regard for the Church to say, whether that power should not be abolished which was tyrannically exercised. He hoped the House would use its utmost endeavours to purge the Church from abuse.

Mr. *John Jones* said, that he was a personal friend of the clergyman, Mr. Ebenezer Morris, and of the other gentlemen who had acted as the judges on this occasion, but he knew nothing of Mr. James, who had been mentioned, and he had therefore some right to complain, though if he had been aware that such a case would have been brought forward he had no doubt he should have been able to give a satisfactory answer to it. With respect to the resolution, he was of opinion that it went too far, and that it was based on a very weak foundation. The courts in question might require some alteration, but that he would leave to the Ministers of the Crown. The petitioner, Mr. Jones, had gone further than the hon. Member for Lambeth, for he had called on the House to abolish all inferior ecclesiastical courts; and this, he supposed, was, because Mr. Jones was in prison; but the hon. Member had not expressed such a wish, acting no doubt out of respect to the constituents of his borough. Now, if these courts were abolished, where, he would ask, were persons to go to prove wills and obtain letters of administration? Were they all to come to London? In a volume to which he would then refer, and which was called *The Welch Levites tossed in a Blanket*, he found, that in 1691 the Welch clergy had been made the subject of attack, and that it was said, that bishops' courts, fiddles, and gingerbread were an abomination, and ought to be put down. The petitioner prayed the House to grant him such relief in the premises as they should think meet, and he conceived this to be, that the House should pay the money and take him out of gaol. It had been stated and admitted, that Mr. Jones was a Dissenter, but by a statute of William the 3rd. Dissenters were exempt from the office of churchwarden if they thought fit to claim it.—[Sir *S. Lushington*: Or by substitution.]—Yes; or by substitution. In this case, however, Mr. Jones did not claim the exemption, but took the oath of office as churchwarden at Carmarthen. The gravamen of the charge appeared to be, that another churchwarden had been named with him, who had not been called on to do any duty whatever. Mr. Rhys Goring Thomas was the patron of the living held by Mr. Ebenezer Morris, and having gone down to reside in the parish, had been nominated as the clergyman's churchwarden. Immediately upon this, circumstances of an important nature had called him up to London, and had kept him here during the whole of last year, and indeed up to the present time: Mr. Jones was perfectly aware of that, but had never complained of it; and was, perhaps, rather glad of it, as it enabled him to act without the interference of another churchwarden. That statement would, he thought do away with all idea of any blame attaching to Mr. Morris. With regard to election matters, would the House believe, that this man (Mr. Jones) had been called on to provide the sacramental bread and wine before William the 4th was even taken ill? Mr. Morris was an excellent clergyman, passing rich, with about 200*l.* per annum; he held the largest parish in Carmarthen, preached four sermons every Sunday, two in Welch and two in English, and gave up all he received from this parish to a worthy curate, who had been nominated by the bishop. He held two parishes adjoining to this, and Mr. Thomas had therefore given him this living. Mr.

David Jones was appointed churchwarden, and a rumour was spread, that he had not prepared the sacramental bread and wine that had been considered requisite. By the 20th canon of the Church, churchwardens were required to provide against the time of the communion, with the advice of the minister, good sacramental bread and wine, and if it were said, that these canons were not a part of the law of the land, he would say in answer thereto, that by a statute of Elizabeth, and another of Charles the 2d., they had been made such. Jones was at the time well aware, that the arrears of church rate then due, and which he could have collected if he pleased, were more than sufficient to provide for the sacramental bread and wine, but he neglected to collect them, and neglected also to provide the requisite bread and wine. Mr. Morris, finding that the churchwarden neglected this, and unwilling that any interruption should be made of the sacred service, provided the bread and wine himself, but sent a letter to David Jones noticing his neglect, and requesting that a similar omission might not occur. No notice having been taken of this communication, a written notice was sent requiring him to attend at a vestry He did not attend, but it could be proved, that on the same day he came to an alehouse near the Church, and there he used such obscene, profane, and blasphemous language, applying to the sacred elements, as he would not pollute the ears of the House or his own lips by repeating. Mr. Morris then did what he considered his duty—he cited him to appear in the Ecclesiastical Court, and at the same time it was intimated to him, that if he did appear and promised to behave better, no further proceedings would be taken, and he should not have any costs to pay. He did not comply with this advice, but went on to fight the battle out in every way he could, and he was cast. He was then called on to pay costs, and for non-payment he was sent to prison. The hon. Member for Lambeth had said this poor man was incarcerated for not paying costs, amounting to about 80*l.* Now, perhaps, the falsehood of one of the petitioner's statements might shake the faith of the hon. Member in the others. So far from the costs being 80*l.*, the fact was, that they were under 30*l.* And for refusing to pay these, which he had voluntarily and unnecessarily incurred, he now called on the House for redress—that was, of course, that he should be discharged from the consequences of his contempt. See what a precedent would be established, if the House should go as far out of its way as to comply with the prayer of the petitioner. The Table would be covered with applications from persons in all parts of the kingdom, who were detained for contempts of court. It was urged by the hon. Member for Lambeth, that a clergyman, the rev. Mr. D. A. Williams, was the judge of the court in which the case was tried, and that he was also the editor of the Carmarthen Tory journal. Now, it was true, that a clergyman was the judge, but he was assisted by a legal assessor: but it was utterly untrue that Mr. D. A. Williams was the editor of the Carmarthen or any other journal. The facts of the case then were simply as he had detailed them to the House—that this Mr. David Jones had taken on himself the office of churchwarden when he might, if he claimed it, have been excused or allowed to serve by deputy; that he voluntarily took the oath faithfully to discharge its duties; that he wilfully neglected those duties; that he was cited in court, and refused to appear; and that at length he went on and put the rev. Mr. Morris to very considerable expense, and then, when called upon to pay the costs, he said he would go to prison rather than pay them. Could any one who heard those statements—and he could prove them all at the Bar of that House or elsewhere, if necessary—doubt that this man Jones was a willing martyr on this occasion; that his object was, that notoriety which might probably be followed up by a public subscription among the Dissenters, and perhaps by a public dinner? He had felt it necessary to make this statement as an act of justice to his respected friends Mr. Morris and Mr. Thomas, who were, as all who had the pleasure of knowing them could testify, men of high and as pure character as were to be found in the country.

Mr. *W. Ellis* said, that there were many excellent and most conscientious men amongst the Dissenters, who would prefer going to prison to paying anything towards Church-rates, and that great allowance should be made for their conscientious scruples. The House should bear in mind the valuable services rendered to the country by Dissenters, by the excellent instruction which they gave to a large portion of the people when that duty was neglected by those who should have attended to it. Any one who recollected what was the state of religious instruction in the country about thirty years ago must be aware of the good done by the Dissenters since then. The cases cited that evening were not the only ones which could be metioned of persons preferring to go to prison rather than pay Church-rates. There were several he knew amongst his constituents who were disposed to take the former alternative.

Viscount *Dungannon* said, that there could be no stronger proof of the justice of that old adage, "*audi alteram partem*," than had been afforded by the present discussion. Here was a case put forth by the hon. Member (Mr. Hawes) as one of gross oppression of a poor man by a clergyman of the Established Church in Carmarthen, but when the other side was presented to the House, the outrageous part of it changed sides, and it was shown, that the conduct of the petitioner, David Jones, was such, that the punishment which he of his own accord endured was not beyond his demerits. Occasion was taken from this case to allude to the clergy of the Established Church as political partisans. He denied the charge as applicable to that body, but it might have been applicable to the Dissenting clergy, or to the Roman Catholic priesthoood. In the present case, he would contend that the rev. Mr. Morris had done no more than his duty. David Jones, it was evident from the facts of the case as detailed by the hon. Member for Carmarthen, was the sole aggressor in the affair; that his object in this willing martyrdom was evidently the love of notoriety. He would have remained unnoticed and unknown if some hon. Members, who were glad to avail themselves of every opportunity of saying something against the Established Church, had not brought his case before the House and the public. As to the case of Mr. James, his hon. Friend, the Member for Carmarthen, had not adverted to it, because he had received no notice that any mention would have been made of it. If he had had such notice, it was probable that he would have been able to give as satisfactory an answer to it as he had to that of Mr. Morris—the rich pluralist, as he had been described, with a living of 200*l.*, in a parish in which he had to preach four times every Sunday—twice in English and twice in Welsh. Then great stress had been laid on the distinction made between the poor church-warden, who it was said, tried to discharge the duties of his office, and the rich one, who neglected them altogether; but the fact turned out that the rich churchwarden (Mr. Thomas) was prevented by domestic affairs from attending in the parish during his year of office; and yet this was the foundation for the charge of the persecution of the poor man. He repeated that there was no persecution in the case. Jones undertook the office voluntarily. He took a solemn oath to discharge its duties faithfully; but from Jones's subsequent conduct, it was his belief, that he took that oath with the premeditated intention of violating it. What other inference could be drawn from the obscene and blasphemous language which he used at the alehouse when speaking of the sacramental elements? Was it fair in the hon. Member for Lambeth to bring forward charges such as those he had stated without inquiry? or would the hon. Member say that he had made inquiry into them before bringing them under the consideration of the House? Did he make any inquiry of Mr. Morris before he preferred such charges against him? No man, he contended, had a right to make a public charge of such a nature against another until he had satisfied himself by strict inquiry that the allegations were founded on something better than merely probable evidence. What would be said by some hon. Members opposite if charges were brought forward here against a Roman Catholic clergyman? Would it not be said that it would be unjust to bring them without previous inquiry as to their probable foundation? He would say the same for the clergy of the Established Church. He did not say that hon. Members opposite intended to bring charges which they believed to be unfounded, but he would say, that there existed a disposition to catch at anything which would bear against the clergy of the Established Church. The clergy, however, would rise triumphant over such attacks. The clergy of the Established Church derived their influence from the respect which followed the conscientious discharge of their duties, and he had yet to learn that any of them had ever exercised that influence in an unjustifiable manner. He must say that even if the case brought forward against Mr. Ebenezer Morris had been ten times worse than it was, it would have been most unjust on that account to designate the clergy generally as political partisans. But it was evident that he had been attacked without sufficient reason, and never was the old adage of "*audi alteram partem*" more necessary to be borne in mind than on the present occasion.

Sir *S. Lushington* said that, as he had been appealed to from the other side of the House, he felt bound to offer a few obervations on the subject under discussion. In doing so, however, it was his intention, to deal with both parties to the question with somewhat less of virulence and heat, and more of temper and moderation, than characterised the speech of the noble Lord who had just spoken. And he could not help thinking that anything but concord was the result most likely to be produced by the mode of arguing the question adopted by the noble Lord, condemnatory as it was of the conduct of the entire body of the Dissenters. Before, however, he proceeded to the case at issue he felt it to be his duty to set forth as briefly as possible what had been done by the ecclesiastical commissioners in the matter relative to the Courts in question. The ecclesiastical commission, of which the Archbishop of Canterbury was at the head, had after mature consideration come to the resolution that the whole of the jurisdiction of the Ecclesiastical Courts which had any thing in it of a criminal nature, as in contradistinction to its civil jurisdiction, should be utterly and entirely abolished; that was, that the power of adjudicating on such issues as that which gave rise to the case before the House should be altogether taken away from these Courts, inferior and superior as they were without exception. If that resolution had been carried into effect the House would have escaped the case before it, as it was one of those comprised in the class of cases comprehended in that objectionable jurisdiction. In addition to this, another cause of their abolition existed in their number and the diversity of the practice which obtained in them. There were upwards of 360 of them in all, and each had generally a distinct system of administering the ecclesiastical law. It was, therefore, recommended that they should be abolished, and the jurisdiction left remaining to the Ecclesiastical Courts vested in the Prerogative Court at Canterbury. On that occasion the hon. and learned Member for Cambridge had disagreed with him as to the propriety of adopting that resolution, on the ground that to carry it into effect it would cost the country too much; but he differed from the hon. and learned Member altogether on that point, as he did not believe it would cost the country sixpence, while he was decidedly of opinion that it would greatly benefit the public. On the report of the Ecclesiastical Commissioners being made in 1832 nothing was done in the case, because the House was then occupied with the consideration of the Reform Bill. In 1834, however, a Bill founded on the report was introduced to the House, but, receiving a strong opposition from several influential quarters, it did not pass in consequence. In 1835 Sir Robert Peel again introduced a Bill to the House, almost the same as the preceding, with the exception of some slight modifications; but it fell through in consequence of his relinquishment of the Government shortly after. It was introduced again by the succeeding Administration, but it did not pass. So it remained for another year. In 1837, however, the Lord Chancellor introduced a measure of the same nature into the House of Lords, and a select committee sat on it for upwards of ten weeks. The result of the labours of this committee was a report which the House of Lords adopted. That report stated the objections of the House to the bill, and required certain alterations to be made in it before it could be permitted to pass. He (Sir S. Lushington) should not pronounce any opinion upon the nature of these alterations at the present, but simply state that such was the fact. Since then, nothing had been done in regard to the question, but he (Sir S. Lushington) had it on the authority of her Majesty's Ministers that a bill on the subject would be shortly introduced into that House. It might be asked, why it had not been done before? The reason, as he had been informed, was, that a Bill called the Clergy Discipline Bill had been passed last year in that House, and thrown out in the House of Lords; that it was considered essential to the proper working of the other measure that this Bill should first become law; that that Bill would be again introduced to the House very shortly; and that when it should have so passed into a law, the Bill for the regulation of Ecclesiastical Courts, as modified by the House of Lords, would then be introduced to the House of Commons by the Government. So much for the report of the Ecclesiastical Commissioners and the measures founded on it. He would next proceed to the facts of the case under discussion. He would take the case of David Jones, and the facts connected with it, without reference to one side or the other, but solely on their own merits. It appeared that this person was chosen to serve the office of churchwarden; and there was no doubt that, according to the statute quoted by the hon. Member for Carmarthen, he had the right to excuse himself on the ground of being a Dissenter, and a power to serve by Deputy. But, then, that remedy might also be ineffective for him, as a deputy, in most cases could not be obtained without the payment of a considerable sum of money. That David Jones took the churchwarden's oath, he (Sir S. Lushington) did not mean to question, neither did he intend to deny that he was unquestionably bound to adhere to it; but he certainly could not admit the allegation of the noble Lord on the other side of the House, that it had been taken by him with a full knowledge of the duties attached to the office, or with the manifest intention of violating it. He declined to provide the sacramental elements; and the prosecution complained of then took place. That it was his duty to provide them, there could be no doubt, if he had funds for the purpose, neither could there be any doubt that it was his duty to call a vestry for the purpose of providing them, and to collect outstanding arrears of rate also to that effect. But still he considered the prosecution was wrong, because it was most injudicious, as between a clergyman of the Church of England and a Dissenter. The hon. Member for Carmarthen had made out a strong case for the rev. Mr. Morris, and, as a consequence, against David Jones; but he had seen the whole of the papers connected with the original suit, which had been laid before Dr. Addams and Sir Herbert Jenner, purporting to contain the entire proceedings in question; and he was not at all of opinion that they sustained the case made out by the hon. Member. There was a very great difference between what was stated by that hon. Gentleman and what was stated in the proceedings taken into the superior Ecclesiastical Court. In fact, they were two different cases, and without coincidence. But laying that fact aside, and meeting the case on the hon. Member's own showing, Mr. Morris was not, in his opinion, justified in instituting the prosecution, simply because David Jones had gone to a public-house near the church, and made use of bad language in reference to the sacramental elements. That was, properly, no part in the proceedings. When, however, he (Sir S. Lushington) saw a man incarcerated who should not be so—and when he saw the administration of justice in the court which condemned him to it so imperfect—the practitioners in it being so ignorant as not to know that an appeal lay from its decision—he felt heartily desirous of removing that blotch altogether from the judicial system of the country. The hon. Member for Leicester had spoken of a man committed to Chelmsford gaol for five years by the Ecclesiastical Court in London. It was he who sentenced that man; he regretted it, but he could not help it. He put it off as long as possible, but he had to do his duty at last. He regretted it; but his answer to all attacks on him for it was, "Amend the law." He was not on the bench to make laws, but to administer them. "Amend the law," he would say—give the jurisdiction of the inferior courts to the superior—and, above all, abolish the power of personal arrest, replacing it, if necessary, with a power of levying a distress upon the goods and chattels of the party. He would ask the House to reform the law for three reasons—first, for the sake of justice; secondly, for the sake of their own character; and, lastly, for the sake of that which every well-regulated Government should have nearest and dearest to their hearts—the appeasement of the bitterness of that religious dissension, which day after day disgraced and debased the discussions of Parliament. It was a practice most injurious to the welfare of the Established Church which had grown up of late, the system of setting up a bar to all improvement in its constitution, and thus laying it bare to the obloquy of the public.

Sir *C. Burrell* denied, that the clergy of the Established Church stood in the way of improvement, for, on the contrary, they had ever manifested a spirit of the greatest liberality in regard to measures likely to promote the welfare and prosperity of the people. In regard to the manner in which they discharged their duties, he was bound in justice to say, that there was no class of men who exhibited a more anxious desire to perform their duties honestly and diligently than the clergymen of the Church of England.

Mr. *O'Connell* would vote for the motion of his hon. Friend the Member for Lambeth, but in following that course he did not mean to impute any blame or censure to Mr. Morris. The hon. Gentleman (the Member for Lambeth) had stated two facts, which in his opinion, entitled the rev. Gentleman to whom the motion had reference to the respect of every one. The rev. gentleman was a pluralist in point of fact, but he was no pluralist in practice. He gave the whole emoluments of one of the livings which he held to the person who performed the duties, and he resided on the other, and preached regularly to his congregation four times a-day on Sunday. Such conduct was highly praiseworthy, and certainly entitled the rev. Gentleman to respect. There was one part of the statement of the hon. Member for Lambeth which he wished he could have forgotten. The hon. Gentleman had said, that Mr. David Jones had talked of the objects of reverence in the Established Church in irreligious and revolting terms. Now, Mr. Jones was not punished for that, but he ought to have been; for he could imagine nothing more unbecoming than for any individual to speak irreverently on such subjects. It was a bad habit, and he was sorry to say, was becoming every day more common. Such conduct was disgraceful, disgusting, and abominable, and could not be too severely punished. The noble Lord opposite had made strong imputations against the Roman Catholics; yet the noble Lord had stood forward as the advocate of toleration. He had, however, set so bad an example, that no one would be tempted to follow him. The noble Lord boasted of having the confidence of the clergy of Durham, and condemned the conduct of those who brought charges against absent individuals who might find no person to defend them. But had the noble Lord acted upon that principle himself? No, for the noble Lord had imputed premeditated perjury to an absent individual. Here was charity—here was Christianity? The noble Lord had admitted he knew nothing of the facts; that he had never heard before even the name of the individual against whom he had made so grave and serious a charge—

Viscount *Dungannon* said, he had judged of the conduct of the individual in question by his acts.

Mr. *O'Connell* had a right to be heard without interruption, and he begged that the meek and modest representative of the clergy of Durham would allow him to proceed. In regard to the motion before the House, he was of opinion that the course which had been pursued in Scotland relative to the minor ecclesiastical courts ought to be adopted here. Was there any Gentleman who could vindicate the jurisdiction exercised by those courts, where the costs were enormous, where appeals would be ruinous, and where the judges had no practice to qualify them for the performance of their duties? Practice was disregarded by the judges of those courts, and yet every one was aware that practice was absolutely necessary to qualify a judge for the proper discharge of his important functions. The officers of those courts, too, were interested in the number of causes which were brought for trial, and they were also interested in increasing the amount of costs. Let the House consider that Mr. Jones, as it had been stated by the highest authority, was in gaol upon an illegal decision. He had been imprisoned against all law and all justice, and he would ask whether a stronger case could by possibility be made out for the abolition of those courts than that which had been laid before the House by the hon. Member for Lambeth? Such proceedings as had taken place in the case of Mr. Jones tended to injure religion, and it was necessary for the safety of the subject that those minor courts should be abolished.

Mr. *Darby* thought, if the House were to divide upon the motion of the hon. Gentleman, the Member for Lambeth, and if the hon. Gentleman were to carry with him a majority, that a grievous imputation would be cast upon the characters of Mr. Morris and Mr. James, and he was therefore, unwilling that the House should pursue a course so fraught with injustice. But there was another circumstance which was deserving of the consideration of the Gentlemen opposite. The right hon. and learned Gentlemen opposite had stated the cause of the delay which had taken place in introducing some measure relative to the minor ecclesiastical courts, and he had also contended that reform was necessary. If, therefore, the House were to affirm the resolution of the hon. Member for Lambeth, then they would impute blame to the Government, and the vote would, in fact, be a vote of censure directed against those who had delayed to bring in a substantive motion founded upon the recommendations of the Ecclesiastical Commissioners. Such would be the dilemma in which the House would be placed if the motion of the hon. Gentleman opposite were pressed to a division. For himself, he thought it would be highly improper to decide, on a motion of this kind, what parts of the courts to which it had reference ought to be abolished. He would not, therefore, give his support to the vote which was asked for, and he must protest against the system of making charges against absent individuals upon *ex parte* statements, when those individuals had no opportunity of defending themselves, and when it was only by chance that the charges could be contradicted. The hon. Member concluded by moving the previous question.

The *Chancellor of the Exchequer* would explain, in a few words, why the resolution of the hon. Member for Lambeth did not, in his opinion, imply any censure upon the Government, or cast any reflection upon the rev. gentleman to whom allusion had so often been made. He felt great reluctance, at all times, in being called upon to decide, by a resolution of the House, on any matter affecting the private character or conduct of individuals, or in regard to any judicial proceeding, and he thought, unless the case was extreme, that it was better for that House never to adopt such a proceeding. In the present instance, however, although the hon. Member for Lambeth had introduced the name of Mr. Morris into the statement which he had made, yet the resolution before the House had no reference to the case of that individual. The House was not called upon to pass any judgment upon the conduct of that individual, and for himself he should decline giving any opinion on the transactions which had been brought under their consideration. He would assume, on the statement of the hon. Member for Carmarthen, that Mr. Morris was the best of all clergymen, and that there was no ground whatever for any imputation upon his conduct. But, allowing all that, did it follow, that the rev. gentleman was a good judge also? And what was the result of the proceedings in the case before the House? They had come to a sentence which the highest legal authority in the House had pronounced to be illegal, and upon which an individual had actually been imprisoned. Surely such a fact was a strong argument for the condemnation of the system. The allusion which the hon. Member for Lambeth had made to the Rev. Mr. Morris had been complained of, but if the hon. Member had not called attention to that case, his right hon. and learned Friend (Sir S. Lushington) would not have been prepared to make the statement which he had laid before the House. But the motion itself had no reference to Mr. Morris, and the resolution which they were called upon to affirm was only in confirmation of the resolution of the Ecclesiastical Commissioners, that the inferior ecclesiastical courts ought to be abolished. When it was stated, that there were upwards of 300 of those courts, and when the proceedings of those courts had been shown in debate to be injurious, he should on those grounds alone have been prepared to advocate reform; but when, in addition to that, they had the authority of the Ecclesiastical Commissioners in their favour, he could have no hesitation in affirming the resolution which had been moved. The hon. Gentleman opposite had said, that it was unfair to bring charges against absent individuals. That was an excellent maxim, and he would recommend hon. Gentlemen opposite to act upon it. They had not, however, followed the maxim lately, for there were hundreds of cases in the recent debates on Ireland in which such charges had been made. He had now to offer a few words upon the resolution. In his opinion it was simply nothing more than an affirmation of the resolution of the Ecclesiastical Commissioners. The delay which had taken place in carrying that resolution had been fully explained by his right hon. and learned Friend, and it was therefore unnecessary for him to offer any defence on the part of the Government. However, after the statement which had been made by his right hon. Friend as to the proceedings which were necessary to carry into effect the views of the Ecclesiastical Commissioners, he trusted the hon. Member for Lambeth would consent to omit the two last words of his motion—namely, "without delay." He asked for that omission, not on account of the

Government, but merely with a view to the convenience of the House. It would be useless to retain those words unless the hon. Member was prepared to bring in a bill at once. No one agreed more heartily than he did in the opinion, and he was led to the conclusion, by all the information that he had obtained on this subject, that the whole question of ecclesiastical jurisdiction stood in need of a thorough reform. There were two great motives for this reform; one was an amendment of the whole of the ecclesiastical judicature, and the other the taking away of the causes of dissension between Churchmen and Dissenters, which were productive not merely of scandal to the Church, but of inconvenience and prejudice to Dissenters. He was convinced, that the duties both of clergymen of the establishment and Dissenting ministers would be better discharged if they were left to pursue their respective avocations in peace, and if the causes of the present heartburnings and contentions between them were removed. On these grounds, on church grounds, as well as more general grounds, he should give his hearty concurrence to the motion of the hon. Member.

Mr. *G. Knight* expressed a hope that his hon. Friend would not press his motion to a division. He hoped everybody would give him credit for having at all times protested against the indulgence of any feeling of asperity on the subject of religion in that House. But if, according to the wish of the right hon. the Chancellor of the Exchequer, they were to entertain any hope of different sects living in peace together, those sweeping charges which were too often made by hon. Gentlemen on the other side of the House should not be repeated. The hon. and learned Member for Dublin had attacked the clergy of Durham, speaking ironically of their meekness and modesty—

Mr. *O'Connell:* I spoke of the Member for Durham as the champion of the clergy.

Mr. *G. Knight:* Well, at all events, it was too much the practice to attack the clergy, and he thought those sweeping charges which had been brought forward by the hon. Member for Lambeth against the clergy of the Church were little calculated to promote peace. It certainly appeared to him that the hon. Member for Lambeth had at least indulged in strong insinuations against the ministers of the Church of England, and he should only repeat that it could not be expected that feelings of resentment would not be excited on one side of the House, if such charges and hostile feelings were not abstained from on the other.

Lord *Grenville Somerset* was anxious to express the feelings he entertained on this subject, in consequence of the speeches of the Chancellor of the Exchequer and of the right hon. and learned Gentleman at the head of the ecclesiastical courts of this country. There was one point in which he fully concurred with the Chancellor of the Exchequer—he agreed with him in wishing to see a complete change in the ecclesiastical jurisdiction of the country: and he was led to adopt that desire by the speech of the right hon. and learned Gentleman who had made a declaration of his opinion upon an *ex parte* statement; upon a statement which had been submitted to the counsel engaged by one of the parties only interested in this matter, he never having seen the statement on the other side. The hon. and learned Gentleman said that he had seen the proceedings submitted for the opinion of Dr. Addams, and on that statement had expressed a decided opinion against the proceedings of the court in Wales. His authority, not only from his own personal character, but also from his judicial station, must be of great importance. He had expressed a decided and unqualified opinion against the conduct of the inferior court, and had thrown out charges of ignorance of the common principles of law against the judges of that court, without having heard any vindication of its proceedings, except what he had heard in that House. Was it right that a gentleman in his judicial station should in such unmeasured language condemn the conduct of the court in Wales? As an independent Member of Parliament, he had a right to express his astonishment that a learned judge should think himself justified in denouncing the conduct of an inferior court unless called upon in his judicial character to decide upon the question. There was another point referred to by the right hon. and learned Gentleman which had rather astonished him, namely, the case of the individual whom he (the learned judge) had sent to prison in the county of Essex, and which he said was for the non-payment of the paltry sum of 5*s.* The charge against that individual was not the non-payment of 5*s.*; the charge was, that he refused to comply with the orders of the Court, and set the law at defiance. Whether the amount concerned were 5*s.* or 5,000*l.* the principle was the same; and was the right hon. and learned Gentleman in his high station to tell us, that this was the case of a paltry sum of 5*s*? It was the majesty of the law, and not the amount of the money that was to be regarded. With respect to the attack made on the conduct of Mr. Morris, he could not help thinking, that it was a very fortunate thing, for that gentleman, that it had been made, because the result had been, that his excellent character as a clergyman had been proclaimed in that House; whereas if the hon. Member for Lambeth had not brought forward the accusation, although the character of the rev. gentleman would have been known in his own parish, it might never have been made known to the whole world as it now would be. As to the motion proposed by his hon. and learned Friend —that of the previous question—what if it were adopted, would be its effect? Why, exactly the same as that proposed by the Chancellor of the Exchequer, who proposed to leave out the words "without delay." All that the previous question meant to say was—that the House did not wish to enter into a discussion at this particular moment. Was not the right hon. and learned Gentleman opposite one of the Commissioners? Why did he not propose some measure founded upon his own report? If this resolution were a condemnation of anybody, it was a condemnation of the Chancellor of the Exchequer, as representing her Majesty's Government, and of the right hon and learned Gentleman, one of the Commissioners; and either one or the other of whom ought to have propounded this measure of reform to the House.

Sir *S. Lushington*, in explanation, denied, that he had declared any opinion on the conduct of the inferior Ecclesiastical Court upon a mere *ex parte* statement. His opinion was formed after seeing the whole of the proceedings themselves, which no explanation could by possibility alter. Upon the face of the proceedings themselves, there appeared to have been throughout them the greatest possible irregularity. He could not, therefore, have given any other opinion than he had done consistently with good faith. The noble Lord had also said, that he had represented the offence of the man whom it had been his judicial duty to commit to prison, to be a trivial matter, because the real value involved in the suit was only 5*s.* It was true he did state what the amount of the demand was, but he never represented, that the matter was, therefore, of a trivial nature; on the contrary he stated, that he regarded it as a question of principle.

Mr. *Easthope* said, that he had presented several petitions that day on the subject under discussion, from the borough which he had the honour to represent, and he understood, that during his temporary absence from the House, his constituents had fallen under the very severe displeasure of the hon and learned Member for Carmarthen —[Mr. Jones had not said anything about the hon. Member for Leicester's constituents.] He was very glad to find, that his constituents were absolved from the hon. and learned Member's anger. Most certainly he did not complain of any discourtesy in any language that had fallen from him; but he understood, that in his temporary absence the hon. and learned Gentleman had said, that he (Mr. Easthope) had acquiesced in a petition containing unqualified terms of censure of an individual, which petition he had not read. I believe said (Mr. Easthope) the hon. and learned Member was understood to say, that I had not examined it.

Mr. *Jones:* No, no. What I stated was, that the hon. Gentleman had presented a petition, in which very unqualified abuse was used against a friend of mine.

Mr. *Easthope:* Very good. I shall be glad to take the hon. and learned Gentleman upon his own statement. I understand him now to state, that I adopted the very strong and unqualified abuse which he alleges is used against certain parties in this petition. Why, there is no abuse of any party; and I do think, after having read all the words of the petition in my place, that it is matter of some complaint against the hon. and learned Gentleman, who sets himself up as a censor of others, that he should be so mistaken as to the ground of the complaint he has made. There is no complaint contained in the petition, except a complaint against the judgments of the Ecclesiastical Courts. The petitioners state, that David Jones and Mr. Thorogood have been confined in gaol by order of the Ecclesiastical Court. I will state the contents of the petition fairly. The impatience of the hon. and learned Gentleman certainly betrays great sensitiveness. The complaint of my constituents is, that under the judgment of the Ecclesiastical Courts, these two men are confined in gaol by virtue of a law, which they consider to be disgraceful to the spirit of the age, and worthy only of the darkest periods of Ecclesiastical tyranny, and which they deem to be an insult to the great body of the Dissenters of this country, and a flagrant outrage upon their liberties. The petitioners then entreat the House "to take measures for the immediate and unconditional release of these persecuted men." To take measures—how? By repealing those laws which they consider to be a disgrace to the age, and in which, with all deference to the opinion of the hon. and learned Member, I again repeat my full and hearty concurrence. I think these laws both a misfortune and a disgrace. With all respect for the religion of the country—and I yield not to that hon. and learned Member in respect for and attachment to the religion of my country—I do submit that there is nothing less calculated to promote true religion—nothing more adverse to the spirit of real piety—nothing more at war with every thing that the Christian religion teaches, or more antagonist to that principle of charity, which in its whole scope and tendency, it seeks to cherish, than those obnoxious laws. I envy not the feelings of that man who can look with approbation at the laws under which these individuals have been imprisoned. He may claim for himself the reputation of being the champion of religion; but I wish not to be a party to, or a friend of, such a religion. It is not the religion of Jesus Christ. It is not the religion which the Church, the pure Church of Christ teaches, and which good Christians, whether Churchmen or Dissenters, seek to promote. I wish, indeed, to stand opposed to the hon. and learned Gentleman, if this be his interpretation of religion—this the spirit of attachment to it he wishes to inculcate. I could not help feeling, after the extreme sensitiveness displayed by the hon. and learned Member, that I should have failed in my duty to my constituents if I had not vindicated them from any imputation of assailing, improperly, the feelings of others, or any want of Christian spirit in their own proceedings.

Mr. *Jones* said, that the absence of the hon. Gentleman during the time he (Mr. Jones) spoke was very unfortunate, because if the hon. Gentleman had been present, he would have known that no reflection had been made by him as the champion of religion. He did not presume to stand up in that House as the champion of religion. What he stated was, that he did not know whether the ecclesiastical courts wanted amendment or not: his principal object, however, in rising, was to vindicate Mr. Morris, and to set the House right as to a matter of fact. His eye was bad, and not having the pleasure of knowing the hon. Member for Leicester, he asked whether that hon. Member were in the House, and it was said that he was. So far, therefore, from having done any act against him in his absence, he spoke in the belief that the hon. Gentleman was present. A friend of his being personally concerned in this matter, the House would, perhaps, permit him to observe, that what had fallen from the hon. Member for Lambeth had been previously inserted in a newspapar, and Mr. Ebenezer Morris, having been called upon to reply to the charge, did negative every accusation made against him, and the Court of Queen's Bench had granted a rule *nisi* for a criminal information against that paper.

Mr. *T. D. Ackland* objected to the House proceeding upon particular cases of grievance to the adoption of general principles to enforce the discipline of the Church. The real cause of these discussions was, that there were two parties in this country, the one of whom was desirous of maintaining the connection of the Church with the state as it now existed, while the other was conscientiously desirous of severing that connexion. He thought it most objectionable to attempt to alter the Church, as by law established, upon a mere isolated case. He, for one, should endeavour to avoid entering into a discussion of abstract questions so introduced. If, however, he should, at any time, be led into such discussions, he trusted he should abstain from all acrimonious feelings and bitterness of speech. He would submit to the right hon. and learned Gentleman, and to those who held his opinions, whether it would not be much better, if they were determined to bring forward this great question, affecting as it did the vital principles of the ecclesiastical constitution of the Church, to bring it forward as a substantive motion.

Mr. *Hawes* replied, and said, that he had a precedent for the course he had pursued on this occasion. In a question which greatly affected the church, precisely the same course was adopted by Sir William Scott, who, in the first instance, brought forward individual cases, and afterwards founded a general measure upon them. The reason he had not mentioned, in his notice, the case of Mr. James, as well as that of Mr. Jones, was, that all the Welch papers were full of the statement of that particular case, which made it unnecessary for him to give hon Gentlemen any specific notice of it. With regard to the suggestion of the Chancellor of the Exchequer to omit the two last words, he was most willing that the motion, so altered, should be adopted.

Mr. *Darby* said, that after what had fallen from his hon. Friend (Mr. G. Knight), although he still entertained the opinion he had already expressed on the subject, he would not press the previous question to a division.

Previous question withdrawn, and original motion, as amended, agreed to.

Custody of Infants.] Mr. Sergeant *Talfourd* rose for the purpose of asking permission of the House to bring in a bill founded upon the principle of that bill which was introduced last Session of Parliament, and which passed the House of Commons with very large majorities, and which was only thrown out by accident in the other House of Parliament by a majority of two. The bill bore the title technically of "The Custody of Infants Bill," the principle of which was to introduce some mitigation into the construction which had been recently put upon the law relating to parent and child, husband and wife; by which law was given to the husband all control over the children, exclusive of the wife, whatever might have been his misconduct, or whatever might be the claim of an innocent mother. By that law she was excluded all access to her child, which thus worked injustice in silence, for the injuries of the innocent in those cases seldom came to light. If the present bill were merely a transcript of the bill of last Session, supported, as that measure was, by a majority of this House, among some of whom were men the last to be charged with feelings of immorality, he should have felt it unnecessary to intrude upon the House a single word; but as the provisions of the present bill would differ in some important respects from those of the bill last year, and as it was made a charge against him on the former occasion that he had abstained from entering into a statement of his measure, he would ask permission of the House to be allowed to state what was the nature of those provisions. The first class of cases with which he would deal was that in which an innocent and injured wife, having sued for a dissolution of the marriage, had procured a sentence in her favour from a competent court. It would hardly be believed, that when the husband had been found guilty of adultery and cruelty, and a sentence of divorce had been for that reason pronounced, the children which the wife had by him should be placed under his absolute control, and that he should thus find means of revenging himself on her for vindicating her womanly right. His proposal was, that in these cases, the Consistory Court, and the Court of Arches, when they pronounced sentence of divorce on the prayer of the wife, should have power to dispose of the custody of the children—that they should declare who should take care of the children; and that where the husband should be convicted of adultery, these courts might, if they should think fit, but not otherwise, give the custody of the children to the wife, and allot a sum for maintenance, with a view of providing for the due care and education of the children. The second class of cases to which his bill referred, was that in which the husband should proceed in a court of law on a motion by force of the writ of *habeas corpus* to recover possession of the children. The case of the King and Rekell had, in his opinion, placed a forced construction on an Act which was intended only for the delivery of persons under immediate restraint, when they applied that Act to the case of a young child at the mother's breast; but the judges had, though reluctantly, placed such a construction on the Act; and his proposal was, that when the judge should be called upon to make an order, and when he would have all the facts of the case before him, to take the child from the custody of the mother, and to deliver it to the father, he should have power, if he should think fit, to make such order as to him should seem meet for the access of the mother to her offspring. It was said of the former bill, that the fifteen judges held up their thirty hands against it; but if they should hold up their thirty hands against his present proposal, they would hold them up against what they had repeatedly said they wished the power to do. The third proposition included in his bill was, where the husband and the wife were living apart. He had not, in the present bill, given the power of making any order to a common law judge, which had been objected to by the noble and learned Lord (Lord Lyndhurst) who had done him the honour of taking charge of the bill last year in the other House; but he now proposed to give a power to the Lord Chancellor, the Vice-Chancellor, and the Master of the Rolls, in England, or to the Lord Chancellor and the Master of the Rolls in Ireland, on the petition of the mother, to order her, if they should so think fit, free access to the child; and that where the child was within the age of seven years, she should have the sole custody till it should attain that age. This was simply placing the mother of legitimate children in the same situation as the mother of a bastard child was placed. These were the main provisions of the bill he now wished to introduce; but to those he would add, and he was willing to avow it, that he did not intend to give the judge power to make any order in any case in which the mother had been in any way convicted of adultery. A strong feeling had been entertained against a clause giving such a power, and he thought that such indulgence should be conceded to general opinion, that the Legislature should not even be supposed to hold in small abhorrence the crime of adultery, and he would rather that some one instance of hardship should go unremedied than that the tone of morality should be relaxed. An objection which had been urged against the bill of last year could not be brought forward against his present plan, for litigation would not be multiplied, and it would not be necessary to set the law, with all its long machinery, in motion. In the two first classes of cases reached by the present Bill, all the facts would be before the judge when he would be called upon to decide, and upon those facts already before him he would determine whether he would or would not grant the application. As, however, the former bill had been objected to by its friends, who said it did nothing because it did not do enough, and as the objection had been strangely echoed by its enemies, who said, that it did too much unless it did more, he had this year endeavoured to enlarge the sympathies of the one, if he could not conciliate the good opinion of the other, by rendering it more simple, and, at the same time, more comprehensive, than the former bill. It would seem, however, from the conduct of those who were the patrons of domestic tyranny, that the Bill of last year would not have been wholly ineffectual. He had been subject, as every one who embarked in such a cause must be, to scandal and to slander; for this he cared not, but he would proceed so long as he had the honour of being supported by so respectable a majority of the Members of that House in his endeavour to procure a mitigation of the lot of innocent and injured mothers, and of giving something more than empty rights to that sex which had now a just cause of complaint.

The *Attorney-General* had no objection to the introduction of this bill; and as to the reflections to which the hon. and learned Member had alluded, he must despise them, for he had with honour fought the battle of the other sex. At the same time he would not say at present that he would support the bill in all its details. They were all desirous that the evils which his learned Friend had pointed out should be remedied, and the only question was, whether the remedy which was proposed would, or would not, be a greater inconvenience than the present evils. He hoped, however, that the bill, in its details would be unexceptionable, for it would give him great pleasure if he could conscientiously support it.

Leave given. Bill brought in, and read a first time.

HOUSE OF LORDS,

Friday, April 26, 1839.

MINUTES.] Petitions presented. By the Earl of DURHAM, from several places, against any further Grant to the Church of Scotland.—By the Duke of RICHMOND, the Earl of CAMPERDOWN, and Lord HATHERTON, from several places, for a Uniform Penny Postage.—By the Duke of RICHMOND, from several places, against the Repeal of the Corn-laws; and from other places, for Church Exsension in Scotland.

NEWFOUNDLAND.] The Earl of *Aber-*

deen said, that in presenting to the House the petition from Newfoundland of which he had given notice, he begged to state very shortly the condition in which this unfortunate colony was placed. In doing so, it was not necessary for him to detain their Lordships for one moment by explaining the value or progress of that province; it would be sufficient to remind their Lordships, that ever since the missions in the time of James 1st and Charles 1st it had been considered a great nursery of our seamen, and consequently of the highest importance to this country. That province, however, was now in that wretched and distracted state which required an immediate and speedy remedy. Last year he had presented a petition to their Lordships, signed by all the persons of property and respectability of St. George's, in which they detailed their sufferings and set forth their complaints, stating, that the grievances under which they laboured were perfectly intolerable. The noble Lord who then presided over the colonial department admitted the correctness of the statements made, and held out hopes of relief; but from that time to this, nothing whatever had been done, and the grievances of the colonists had become considerably aggravated. The petition which he had now to present, prayed for the abolition of the colonial legislature established in that province. This, no doubt, was a startling proposition, and the circumstances of the case must be desperate indeed to induce a colony to seek to repudiate the charter of their liberties. He did not say, that he was prepared at once to support this prayer, but he certainly thought, that ample grounds were stated to induce Parliament to institute an inquiry into the subject; for as to the Government he was compelled to admit, though he meant no offence in saying it, that he expected no remedy from them. The petitioners complained in express terms of the character and proceedings of the House of Assembly of Newfoundland, of their tyrannical and oppressive conduct, of their legal assumption of the supreme powers of the State, of their constant and capricious appropriation of the public revenue, of their unjust partition among themselves and families of the public funds of the colony, and of the base composition of the House of Assembly itself, and the disgraceful character of its proceedings, which were entirely calculated to bring it into universal and deserved contempt. He had reason to believe, that all the allegations of the petitioners could be amply proved, and that satisfactory evidence to substantiate them was in this country at this moment, and a great portion of it in the Colonial-office itself. The House of Assembly, and the commission in virtue of which it existed, was granted to the colony in 1833. The qualification of electors was the occupation of a tenement, of any description for a year, that of members the occupation of a tenement of any description, for two years. He was ready to admit, that any other or higher qualification, in the case of electors, would probably afford no constituency at all, and that, therefore, the qualification in their case, was the one which it was right to establish, but the question was the fitness of the House of Assembly itself. The situation of Newfoundland was in many respects a peculiar one. The population mainly consisted of merchants and fishermen. Indeed, it had been compared to a great ship moored in the ocean, for though the territory was of great extent, the climate and soil were utterly unsuited for agricultural purposes, and the population was consequently almost entirely made up of employers and persons actively employed under them in trade. When their Lordships heard speak of the House of Assembly of Newfoundland, the term sounded imposing enough, and they naturally associated with it ideas of respectability, not to say dignity. The House of Assembly in question, however, was not altogether of a composition to fulfil such an idea. It consisted of fifteen persons, and these, hardly without exception, were individuals very ill calculated for any purposes of legislation which could have been contemplated by those who framed the constitution of the province. He would not trouble their Lordships with a regular analysis of the composition of this very remarkable Assembly; it might be sufficient to state, that one hon. Member was a hired servant, at a salary of ten pounds a year, who attended the house by permission of his master, and received a guinea a day for his attendance. There was another member of pretty much the same description, and it might be generally stated, that the members of this House of Assembly were persons of no means adequate to the understood position, and without any qualifications for duly exercising legislative functions. It certainly seemed no better than a burlesque on legislation. The petitioners stated that for a short time after the establishment of the House of Assembly matters were somewhat better, and that the first one or two elections were conducted without that monstrous system of oppression and intimidation which had been exercised in all the late elections; that several competent persons were consequently returned to the house, and that a few hundred pounds had sufficed to defray all the expenses of the house and its officers, but that now the colony was greatly in debt; that the debt was every year considerably increased by the proceedings of the house; and that the members of the house engrossed amongst themselves and their families one-sixth of the net revenue of the colony. It was incumbent upon the mother country to remedy such monstrous grievances as these. Of the arbitrary conduct of the Assembly one instance might be a sufficient illustration. A gentleman of the medical profession happened to quarrel in the streets of St. John with a member of the House of Assembly. High words took place, but there was no assault. The member complained to the Assembly, and the gentleman was taken into custody on the Speaker's warrant. On the case being brought before the judge, the gentleman was discharged on a writ of *habeas corpus*. Could their Lordships imagine that, upon the House of Assembly being informed of this circumstance, they, by the agency of their messengers, seized the judge on the bench and the high sheriff who had officially executed the writ, dragged them like malefactors through the streets, and put them in prison. The Governor, to put an end to these outrages, prorogued the House of Assembly, and thus released the prisoners. Their Lordships had heard much of the high privileges of the House of Commons, but he doubted whether they had ever heard of the assertion of so high a privilege as this. It was represented that this state of things was exclusively owing to the paramount influence exercised by the Roman Catholic priests. No man knew better than the noble Marquess opposite what was the influence of the Roman Catholic priesthood at elections, where they had the opportunity of exercising it; and it was stated by the petitioners, that in the case of the House of Assembly of Newfoundland, that class of persons returned by their influence nearly every member of that Assembly. The petitioners distinctly stated, that as soon as the Roman Catholic priests in the colony saw how greatly the House of Assembly could serve their purposes, they set every engine to work to obtain the return of a house nominated by themselves. Whoever refused to vote for their nominees was denounced from the pulpit; all persons were charged to cease in their dealings in trade with them, under the same penalty; and all the rites of the church, considered most sacred — even the service of burial—was refused them. Whatever might have been the motives that led to the introduction of the constitution he would not stop to inquire. It was described at the time as having been brought forward and tried as an experiment, and he was sure that those who proposed it must now be anxious to amend it. The petitioners declared that, in the social situation of that colony nothing could remedy the evils they laboured under but the abolition of the Colonial Assembly as it existed. They, therefore, prayed, that some measure might be passed which would promote the peace of the colony by abolishing this Assembly, and instituting in its place some body that would insure the good government of the colony. He was not prepared exactly to agree to grant all that the petitioners prayed for; but it was clear that some remedy ought to be applied to the evils under which the colony suffered; he was not prepared to state exactly what these should be, but he trusted that the subject would be properly investigated, with the view of adopting some remedial measure.

The Marquess of *Normanby* did not think it was necessary to follow the noble Earl through the various details of the petition, and more especially as the noble Earl stated, that he did not entirely concur in the prayer of the petition. With respect to the House of Assembly of Newfoundland, he felt bound to state that, during his short experience in his present office, he had seen enough to say, that he did not think that it would be possible for him to justify all the acts of that body; at the same time, it was only justice to state, that there were two stories, and many of the allegations in the petition, and the complaints that were made by his noble Friend, were denied by persons in this country connected with the House of Assembly, who stated, that they were ready to disprove them if an opportunity were afforded. In the present state of things he had written to the Governor of Newfoundland to make inquiry into the complaints made on both sides, and the grievances that were urged, and to make a report on the subject to the Colonial Office. When he had obtained the information contained in this report, he should be prepared to state to the House the views of her Majesty's Government on the subject. He felt bound to add, however, that he had not yet found sufficient reasons in any communications that he had received from the Governor to justify him in recommending the adoption of the extreme remedy alluded to by his noble Friend and the petitioners. He thought that the grievances complained of might be remedied by a much less extreme mode of proceeding. All that he could further say was, that the matter had engaged his attention, and that he was in communication with the Governor of the colony, and he was not at present prepared to say, that a Parliamentary inquiry was necessary.

The Earl of *Durham* had been intrusted with a petition directly impugning the statements made in that presented by the noble Earl. Before he made any public observations, however, he wished to ask the noble Earl whether the petition he had presented was from persons residing in the colony, or from merchants in Liverpool and other places? [The Earl of *Aberdeen:* from persons in the colony.] He had asked this question because he understood that certain unfounded statements had been made in a memorial to the Colonial Office by certain merchants residing at Liverpool. The petition which he had received had been sent to him by the Speaker of the House of Assembly of Newfoundland, and was signed by 2,780 persons, including the clergy, magistrates, merchants, and others residing in the colony. This petition represented that there was no truth in the statements which affirmed the colony to be disorganized or disturbed; but they stated that their loyalty and devotion to the mother country might be relied on at all times. It appeared that in this island there were two parties—the one the agriculturists or settlers, anxious to promote the cultivation of the land, and the other the adventurers or mercantile portion of the community, anxious for the predominance of the merchants' interests. These parties made the most contradictory statements as to the state of society. The persons who had signed the petition which had been confided to him stated, that the colony had long enjoyed a state of almost perfect tranquillity, and that for many years there had been an almost entire abstinence from crime, and they were anxious that a commission should be appointed to inquire into the whole case. The noble Earl read extracts from the petition, confirming these statements, and justifying the conduct of the House of Assembly. The noble Earl opposite had called the attention of the House to the composition of the House of Assembly in Newfoundland, but the other party made equally strong complaints as to the composition of the Council in the island. The House of Assembly were anxious to promote the cultivation of the land in the colony, which, until within the last few years, had been entirely neglected; to do that had almost been regarded as a criminal proceeding, and in consequence of the Council having taken a very different view of the matter differences had arisen. He could not make any statement on this subject from his own knowledge; for, during the time that he was in North America, he was unable to give much attention to the proceedings in this colony. It was very important, however, that an inquiry should be instituted, with the view of seeing which party was in the right or wrong. If there were any foundation for the statement made by the noble Earl, it was necessary that some notice should be taken of the proceedings, and if there was not, some declaration should be made by her Majesty's Government to set the minds of the people at rest. The petition of the noble Earl prayed for inquiry, and the petition which had been intrusted to him prayed that a commission might be appointed to inquire into the matter on the spot. Under these circumstances he trusted that some investigation would take place, and he hoped that the result would prove satisfactory.

The Earl of *Ripon* stated, that it was clear that these two petitions contained the most contradictory allegations. His noble Friend the Secretary for the Colonies said, that he could not give an opinion on the subject until he had received certain information from the governor of the colony, which he had written out for. It was clear that the question could not be allowed to remain as it was; and the most serious charges were brought by one party against the other, which were met by the most vehement denials. He believed that the state of things which were described to exist in that colony was quite incompatible with the continuance of tranquillity and prosperity. He was a party to giving a House of Assembly to this colony, and was quite willing to bear his share of the responsibility of the proceeding. Whether the present state of things had grown up from giving this charter he could not say, but there could not be the slightest doubt that it was a state of things that required the vigilant attention of her Majesty's Government. He did not know whether he should be justified at present in stating the reasons which induced the Government to grant a charter to this colony; he should therefore abstain from doing so. He might, however, be allowed to observe, that there were striking peculiarities in the nature of this colony, and that formerly almost all the people in the colony returned to England or Ireland in the winter season, and went out again to Newfoundland in the spring. There were several expences attending this colony, and as it was not thought proper that the English Government should be permanently saddled with these charges, it was determined that they should be defrayed by taxes levied on the colony, and that these should be raised with the consent of the people themselves. It was, therefore, recommended that the Crown should exercise its prerogative, and give a House of Assembly and Council to the colony; and he thought that this was much better than coming down to Parliament and asking for an Act for the purpose. The charter given to Newfoundland was almost a copy of the charter given to the other North American colonies, and more especially to that of Nova Scotia. Another feeling also operated, namely, that Newfoundland was almost the only colony of England entirely inhabited by natives of this country, or their descendants, that had not a House of Assembly; and as all the neighbouring colonies had a system of self-government, it was also determined that it should be extended to this colony. If blame was to attach to any one for giving this charter, he was as liable to it as any one; and notwithstanding the alleged failure of the constitution, he still thought that it was an experiment that it was politic to make: and, indeed, the petitioners that made the complaints admitted that the plan had succeeded in the outset; and they also stated, that all the evils that had since arisen had flown from causes which were not inherent in the constitution. He had also received a petition on this subject, which he should shortly present, similar to that presented by his noble Friend behind him, from merchants of Liverpool trading to Newfoundland, and although he had informed those parties that he was in office when the colony had a constitution conferred on it, they had, notwithstanding, chosen to intrust this petition to him. All that he would further say was, that it was the duty of the Government or the Legislature, if they possibly could, to provide a remedy for some of the admitted evils, which, if they were allowed to continue, must ultimately destroy this colony.

Lord *Brougham* was satisfied that the Government should immediately apply itself to this subject, at the same time he thought that a parliamentary inquiry was the best course that could be taken to investigate the matter, when there was such a distinct denial of facts on both sides. Although a constitution similar to that bestowed on Newfoundland might be advisable under other circumstances, yet it was by no means clear that it was the best adapted to a small colony like Newfoundland, where there were many peculiarities. He knew many eminent persons who entertained the highest admiration of the British constitution, but who were by no means satisfied, and who entertained serious doubts as to its results when applied on a small scale. It would require, however, a much stronger case to justify the Legislature in revoking a constitution than it would in inducing them to withhold their assent to granting one. He should abstain, however, from giving a decided opinion one way or the other on the present case, until he had got the facts before him. As he understood it, one of the most serious grounds of complaint was, that the House of Assembly in Newfoundland had taken up the case of an assault on one of its Members as a breach of privilege, and dealt with it accordingly. This, however, was by no means a singular proceeding, for both the House of Commons and that House had committed persons to Newgate, or to the custody of the Sergeant-at-Arms, and had refused to enlarge them until they had paid the fees, which was going much further than the House of Assembly at Newfoundland had pretended to go; and that for matters which were just as relevant to breach of privilege as that which the Assembly of Newfoundland had dealt with. He had met with upwards of 200 cases of persons having been sent to Newgate by that and the other House of Parliament for most singular cases of alleged breach of privilege. He recollected one case of a man having been brought to the bar for a breach of privilege for having broken into and entered the fishery of Admiral Lucas, a Member of Parliament; and this man was committed to prison, although he claimed the right of fishing in the waters in question. At last he was induced to petition to be released, and he had to go down on his knees at the bar of the House, and to beg pardon, and to declare that he never would fish in these waters again. It might have been supposed that this took place at an early period in the history of Parliament, but in fact it occurred in the reign of George 3rd, and about the year 1769. This, however, was by no means the worst case that he could quote of a similar alleged breach of privilege. He need hardly mention the celebrated umbrella case in that House, and there were several of a similar character. There was also a case in the reign of Charles 2nd, where a Member of Parliament had legal proceedings instituted against him, and the party opposed to him had employed a sergeant-at-law and an attorney to prosecute his suit in the Common Pleas. The House chose to take up the matter, and summoned not only the party, but the sergeant-at-law and the attorney to the bar, and the two latter had to go down on their knees and beg pardon, and had to assure the House that they would never proceed against a Member of Parliament again. He knew many persons who justified this mode of proceeding, and contended that it was essential to the independence of Parliament. He had heard the late Mr. Windham, Mr. Elliot, and other distinguished Members contend for the principle, and assert that it was the only mode of proceeding that could be adopted to prevent Members of Parliament being involved in endless litigation. This principle, then, which had been acted upon by former Houses of Commons had been adopted by the present House of Assembly at Newfoundland, and the practice had been defended by the most eminent men in this country. He had mentioned these cases to show that this was not a new principle taken up by the Colonial Legislature. Nor did he intend to justify that body, and to say that they were more in the right than former Houses of Parliament were. Again, it had been stated by the noble Earl that a gentleman had been elected a Member of the House of Assembly, but he had refused to take his seat, as he was unwilling to mix in such company as he would have to associate with in that place. But this was also by no means a singular proceeding, for he recollected a very worthy and excellent friend of his, who some years ago had been elected a Member of the other House, and who refused to take his seat, because, as he stated, he did not like either the bad hours or the bad company he should be obliged to keep. This Gentleman was now a noble Earl, and a Member of that House. Thus, then, the commoner of Newfoundland, who had been alluded to by the noble Earl, had said exactly the same as the distinguished commoner of England, and he certainly did not think that the observation should be taken as implying a very serious stigma on the character of the colony.

The Earl of *Aberdeen*, in reply, observed, that the persons who were now most desirous for the repeal of the Colonial Legislature had formerly been the most active in procuring its establishment; their opinions had been completely changed. He had no doubt that his noble Friend at the head of the Colonial Office would pay the greatest attention to this subject; but he was afraid that it was too late for any efficient remedy to be applied by means of accommodation, and he could not say that he looked for future communications with much expectation. If the accusations were, as he had no doubt they would be, confirmed, the result must be to grant the prayer of the petitioners.

The Marquess of *Normanby* expressed great confidence in the judgment of Captain Preston, who now administered the affairs of Newfoundland, and he hoped by his means the House of Assembly might be brought to see the impropriety of some of their proceedings, and that something might be done to meet the views of those who wished to maintain the Constitutional Government.

Petition laid on the Table.

DEANERY OF EXETER.] Viscount *Melbourne*, referring to the order of the day for the third reading of the Deanery of Exeter Appointment Bill, stated, that he had received an intimation that there would be a meeting of the Chapter on Friday next, and that there was an anxiety on the part of some of the Members of the Chapter that the bill should not be passed until after that meeting. He was desirous of complying with their wish, and he should therefore move that the third reading be deferred till Friday next.

The Bishop of *Exeter* would take that opportunity to correct a mis-statement made by the noble Viscount (Viscount Melbourne) on a former evening. The noble Viscount then said, that the Dean of Exeter had, since the year 1560, been regularly elected at the recommendation of the Crown. Now, the facts were these. In 1560 Queen Elizabeth addressed a letter to the Chapter of Exeter, recommending a Dean to them, and not doubting that they would comply with that recommendation by electing him. Considering the notions of that Queen on the subject of her prerogative, he must say that this did not appear a very strong mode of exercising it. Subsequently to the letter of Elizabeth, however, three deans in succession were appointed without the interference of the Crown. Charles 1st, also a Prince entertaining a great regard for his prerogative, subsequently sent down a letter recommendatory, but at the same time mandatory. After the Restoration, Charles 2nd. continued to pursue the same course, always recommending, however, persons qualified according to the Statute. At length it suited him to recommend a person who was not qualified according to the statute, and then was adopted the system of letters patent. It thus appeared, notwithstanding the statement of the noble Viscount, that this practice had no higher origin than the time of the Stuarts—a period generally considered the worst with regard to all precedents relating to extension of the prerogative.

Third reading postponed.

GAOL DELIVERIES.] The Duke of *Richmond*, in moving for the returns of which he had given notice, begged their Lordships' attention while he explained what had been the course pursued by a noble and learned Lord at the last assizes for the county of Sussex. In that county there were at the present time two houses of correction and one gaol. One of these houses of correction was situated at Lewes and the other at Petworth, twenty or twenty-five miles from Lewes. The situation of the latter, however, was so inconvenient, that the judges objected to go there. At the last assizes the learned judge who presided in the criminal court, ordered, that four prisoners whose names were not in the calendar should be brought up for the purpose of being discharged in the usual way by proclamation. One was committed for stealing a large faggot of the value of a few pence, two others were committed for stealing two birch faggots each, and the last (a woman) was committed for stealing some petty articles in a union workhouse in the eastern part of the county. These prisoners had been committed by the magistrates for trial at the quarter sessions, which would be held subsequently to the assizes. The learned judge, however, desired the gaoler to take those prisoners out of the custody of the keeper of the house of correction and bring them to court, in order, that they might be discharged in the usual way by proclamation. The clerk of the arraigns also called on the gaoler to proceed forthwith to Petworth, twenty-five miles off, to bring over to Lewes eighteen prisoners who were there awaiting their trial, the learned judge having declared, that he felt it his duty not to allow a single untried individual to remain in any house of correction in the county. The answer of the gaoler was, that for him to go over would be useless, first, because there would not be time, and next, because the keeper of the house of correction would certainly refuse to give up his prisoners. He was glad to find the gaoler had so discharged his duty; and, in his opinion, the keeper of the house of correction would not have been justified in giving them up except under a writ of *habeas corpus*. The clerk of arraigns was then applied to for a written order from the judge to the keeper of the house of correction, authorising him to deliver up the prisoners, but such order was not given; indeed, it could not legally have been given. Independently of which it would not have been right for the prisoners to be driven over twenty-five miles to Lewes two days before their trial, during the very time which they would require for preparing their defence. He (the Duke of Richmond) understood the noble and learned Lord to maintain, that he was bound to discharge every prisoner remaining in the county prisons at the close of the assizes, even though they might have been committed for trial at the quarter sessions. The noble and learned Lord adverted to the examples set by former judges under similar circumstances; but the question had been brought before the whole of the judges, and a majority had pronounced a different judgment. Under such circumstances it was surely better for an individual judge to bow to the decision of the majority rather than to act on his own views. In 1810, Baron Wood thought fit to discharge eight prisoners at the close of the assizes, in all of whose cases the witnesses and prosecutors had been bound over to appear at the next quarter sessions. No bills having been found against them, they were discharged by proclamation. The question of the right of the judge to discharge prisoners under such circumstances was brought before the whole of the judges a majority of whom were of opinion, that it was not incumbent on the judge to discharge all the prisoners, but discretionary to keep those whom he thought fit, if even the witnesses who had been bound over did not appear. But the act of the noble and learned Lord himself proved, that he did not at the time think it incumbent upon him to deliver all the prisoners, or why did he stop short at the four prisoners? Why did he not remain until he had transmitted a written order to the keeper of the house of correction at Petworth to deliver up his prisoners, and until he had discharged them by proclamation? He must be allowed strongly to object to the exercise of any such power as that claimed by the learned judge. To discharge prisoners without trial was to offer a premium to crime, and to inflict a serious injury on some of the best interests of the country. Another evil engendered by such a system was, that prosecutors were placed by it in a false position, exposed to all the odium attending the preferring a charge against one who had been discharged without punishment. A prisoner going back to his parish under such circumstances, would be able to impose on his ignorant neighbours, by representing the prosecution as a mere trumped up affair, countenanced by the magistrates certainly, but which had been disregarded by the judge. Uniformity of decision on the part of judges in such cases was most important, and evils innumerable would follow the adoption of a principle which encouraged crime, by opening to the criminal a loophole for escape. He imputed no blameable motive to the noble and learned Lord, but he deeply regretted, that he had supposed his duty called on him to take the course adopted by him. The noble and learned Lord might have made allusion to the subject in his charge to the grand jury, or he might have communicated with the Secretary of State, or with the chairman of the quarter sessions (who was sitting during a part of the time occupied by the trials). From what he knew of the magistracy of the county, he must express his conviction, that had the noble and learned Lord taken the latter course, the circumstances connected with the Lewes house of correction never would have happened. He (the Duke of Richmond) had been called upon by the noble Lord, the Lord Chief Justice of the Court of Queen's Bench, to bring in a bill on this subject. That noble and learned Lord at the same time stated, that he coincided in his view of the question. If the House wished him to undertake such a measure, he would not shrink from it, but at the same time he must request the noble Viscount on the Treasury bench, to get some Member of Government to take the charge of the bill in the other House, as he could have no possible means of doing so, and indeed because he understood, that it was very difficult for any Member of that House, not a Member of the Government, to bring forward a measure with any chance of success. The noble Duke concluded by moving for a return of all prisoners for trial in the different gaols and houses of correction in England and Wales, at assizes during the last year, but who were not inserted in the calendar; specifying their offences, and also whether any, and which of them, were discharged by proclamation.

Lord *Abinger* said, that had not the noble Duke disclaimed all intention to attack him, and impute blameable motives, he might, from the tone and tenor of some of his remarks, have fallen into the error of supposing that the noble Duke had been actuated by such an intention. This he would say, with reference to the subject matter of the noble Duke's statement, that were the same circumstances to occur again, he should be prepared to act in a manner precisely similar to that which had called forth the noble Duke's animadversion. With regard to the four prisoners who were discharged, the sheriff was desired to put their names in the calendar, as they were in the same gaol with the other prisoners. A return was made of their names in due course, and they were discharged by proclamation. With regard to the prisoners at Petworth, he would at once declare that he never entertained the least thought of having those prisoners over to Lewes. The noble Duke was labouring under a mistake on that head. He never gave any such authority, though, had he thought himself justified by law in doing so, he would not have hesitated to give it. With regard to the committal of prisoners for trial, he admitted the right of the magistrates to commit them for trial at the quarter sessions, provided the assizes did not intervene; but when the assizes were near at hand, then he maintained that they ought to be committed for trial at the assizes, because all prisoners ought to be committed to the place where they could most speedily be tried. If the assizes were the nearest, then they ought to be committed for the assizes: if the quarter sessions came on sooner, then they should be committed for trial at the quarter sessions. Unless this principle were adopted, much injustice was likely to be done to prisoners by their being detained in prison longer than the exigencies of justice absolutely required. All the prisoners in the county gaol at the time of the assize should, he contended, be brought up by the sheriff for trial or discharge by proclamation. The opinion which appeared to prevail among some of the magistrates of Sussex he felt bound to say was not universal; for in one instance a prisoner had actually been committed on the 18th of March, the commission day; the magistrate, therefore, Mr. Blackman, a gentleman of known constitutional knowledge, had given practical evidence of his belief that the prisoner had a right to be tried as early as possible. He could assure the noble Duke, that in pursuing the course which he had adopted he had intended to convey no offence to the magistrates, or to the Lord-lieutenant of the county. He had acted for the best; and he could not but say, that if a similar case were to happen again, he should again act in the same manner.

Viscount *Gage* said, that a few years ago, it had been the practice of the Lewes bench of magistrates to commit the prisoners brought before them to the assizes or sessions which next succeeded; but in consequence of the complaints of the judges of their being overburdened with cases, many of them of a trifling description, it had ceased some time ago. He thought that, under the circumstances which had been detailed to the House, it would be exceedingly advisable that a bill should be introduced to make some general provision upon the subject.

The Duke of *Richmond* said, that he was of opinion that the power of taking bail should be extended, for he thought that no man should be sent to gaol for a longer period than was absolutely necessary. He was fully aware that there was no attack intended to be made upon the magistrates or the Lord-lieutenant; for he in the latter capacity could have nothing to do with it. He contended, however, that there should be uniformity of practice in all cases. There had been intermediate sessions appointed to be held in Sussex already, with a view to the speedy discharge of the prisoners; and so far from its being likely that any very great hardship would have been suffered in the present case, the court would have sat within ten days of the time when the prisoners were discharged by the noble and learned Lord. The magistrates, if they had been disposed to act harshly towards the offenders, or in opposition to the will of the noble Lord, might have issued their warrant for the re-committal of the persons discharged on the very day after the departure of the noble Lord from the assize town; but they abstained from doing so, because they would not appear to persecute the accused parties. He had felt himself bound to bring forward this subject as Lord-lieutenant of the county, and in that capacity he begged to express his sincere hope that her Majesty's Government would {take charge of the bill which he proposed should be introduced, but if the Members of the Government declined to do that, he should feel bound to introduce the measure himself.

The Lord *Chancellor* said, that he entertained no doubt that the magistrates in this case had acted in the manner which they conceived to be most correct, but the course which they had adopted at least established this fact—that their practice required to be set right. It could not be a wholesome state of the law, that magistrates should be permitted to commit offenders over the assizes to some sessions to be subsequently held, and that the judge of assize coming to deliver the gaol in which they were confined should exercise his discretion as to whether they should be tried or not. That was the effect of what had been done in this case, and the practice undoubtedly required alteration. It was exceedingly important that prisoners should be tried at the earliest possible moment, and although it was true that the imprisonment which they suffered before trial might be taken into consideration in the event of conviction after that event, yet it might be that no punishment at all was merited. A remedy should be applied to the evil which existed, and the best mode of informing the magistrates of the error of their system, would be through the means of a legislative enactment.

Motion was agreed to.

HOUSE OF COMMONS,

Friday, April 26, 1839.

Minutes.] Petitions presented. By Sir Robert Bateson, from several places, against compelling Presbyterian Soldiers to attend the Established Church; and for the Appointment of Presbyterian Chaplains to the different Regiments.—By Alderman Thompson, from Bishop Wearmouth, for Church Extension in Canada; from the Governors of Bethlehem Hospital, against the Prisons Bill.—By Mr. Law, from several Ecclesiastical bodies, against the Ecclesiastical Duties and Revenues Bill.—By Colonel Conolly, from the Grand Jury of Queen's County, against the Repeal of the Corn-laws.—By Colonel Rushbrooke, from one place, for a National system of Education.—By Sir J. Walsh, Lord Segrave, Mr. H. Berkeley, Mr. Lascelles, and Mr. M. J. O'Connell, from a number of places, for a Uniform Penny Postage.

Committees on private Bills.—Attendance of Members.] Sir *George Sinclair* begged to call the attention of the House to an occurrence of some importance and difficulty which had happened that day in Committee on the Manchester and Leeds Railway Bill. Several Members, to whom the bill had been originally committed, finding it impossible to attend, the committee of selection had requested the attendance, and sent the usual notices to other Members to supply their places. The Committee had accordingly assembled that day at twelve, and waited an hour for the presence of those Members who had received notice from the Committee of Selection, but only two of them appeared; and as three of these Members were required to form a quorum, the Committee were in great doubt what course to follow. Under those circumstances, they had deemed it best to choose a temporary chairman, and to make a special report of the case to the House. The hon. Baronet brought up the report, to which he referred for the further information of the House. He must add, however, that the matter had been productive of great inconvenience and expense to the parties, who had counsel, agents, and numerous witnesses in the room, from a great distance, in attendance, and who would necessarily be detained for some time longer in London by the unexpected absence of the Members who had not attended the summons of the Committee of Selection. He trusted that the orders and regulations which had been framed for procuring the attendance of Members in such cases, were not to be considered decidedly as a "final measure," but that they were open to such alterations as the House might deem requisite to meet the emergency, and avoid the occurrence of such inconvenience in future.

Lord *G. Somerset* thought, that if hon. Members who had received notice to attend by the Committee of Selection, did not signify their assent, their presence could not be calculated upon; but, if they did give their assent, all parties certainly had a strong cause of complaint in their non-attendance. He thought the attendance of Members so selected should be made compulsory; but wished to learn from the chairman of the Committee of selection, in what manner notice was sent to Members that had been selected to serve on any committee.

Mr. *Estcourt* said, that the Gentlemen selected on the present occasion, had been chosen for the same purpose, and in the same manner, as was usual in the practice of the House. A letter was sent to each Member, communicating that he had been selected to serve, and announcing the hour at which the Committee was to meet. On the present occasion, no answer had been sent by any of the Members to whom those letters had been forwarded, with one exception, by whom a reply had been sent last night, that he could not attend. He regretted that course, because had that hon. Member been present, the Committee could have been regularly constituted.

Mr. *Wilson Patten* was of opinion, that the plan of intimation to selected Members was defective. He thought the clerk, in sending the intimations, should ask specially whether Members would or would not attend; and, if they did not get an affirmative answer, then others would be selected. In this instance, fifty or sixty witnesses were in attendance, who would be detained till next week at great expense to the parties.

Mr. *Lefevre* suggested, that in the letters of intimation a memorandum should be subjoined, that parties would be exposed to expense, and requesting Members to send a special answer whether they could attend.

Sir *George Strickland* said, that the matter did not appear to be of so much importance; there were eighteen Members present, but only two selected, while three were required out of the five who received notices. He thought one great reason of the difficulty which had occurred was owing to this, that the notices were only signed by the clerk of the Committee; whereas, on other occasions, hon. Members were particularly reminded, canvassed, and solicited to attend by the agents for parties on the various bills in progress through the House.

Mr. *C. Wood,* as one of the parties who had attended the Committee, wished to make one or two observations. He thought it quite plain, that no benefit could arise, unless the attendance of all selected Members was enforced. He thought Members should be made aware of the inconvenience and expense that parties incurred by their irregular attendance. He approved of the suggestion, that they should be required to give special answers, and that they should not only be served with the general circular, but a special invitation of attendance; so that, by the nature of their answers, the Committee might judge whether it would be proper to choose others. He wished to ask a question which was of very great importance to the parties. Was the irregularity of the proceedings fatal to the Committee on the bill? or would it revive again so as to be enabled to sit again on Monday without further notice?

Lord *G. Somerset* said, that the Committee could not sit again without special notice, and he would therefore move, that the Committee on the bill have leave to sit again on Monday next, as if nothing had happened, so soon as the question connected with the report was disposed of. He certainly thought that some more specific notice should be sent to the selected Members, and that their attendance should be compulsory, unless they could state satisfactory reasons for absence.

Mr. *M. Philips* said, that a similar instance occurred in a committee a few days since, where four Members conceiving that the committee were only to meet and adjourn, had not thought necessary to attend. They offered themselves at the next meeting; but they were excluded, in consequence of not having been present to sign the declaration when the chairman was appointed. It was necessary that some definite rule should be laid down to avoid these occurrences in future.

Report laid on the Table; the Committee on the bill to sit and proceed with business on the following Monday.

IMPRISONMENT FOR DEBT ACT.] Mr. *Baines* said, he wished to ask his hon. and learned Friend the Attorney General, whether he were aware that, notwithstanding the passing of his act of the last Session of Parliament, abolishing imprisonment for debt, there were at present in the country gaols of this kingdom hundreds—he might say thousands—of poor debtors kept in confinement, owing to the necessity which existed for their sureties appearing personally to justify their bail in open court in London: and whether he had any objection to introduce into his bill, now before the House for amending the Imprisonment for Debt Act, a clause empowering the Insolvent Debtors' Court to appoint proper persons in the country, as commissioners, to take the recognizances of the sureties under such circumstances as would render the personal appearance of the bail in London unnecessary?

The *Attorney General,* in answering the question, would take the opportunity of stating that he had received from all quarters the most gratifying intelligence of the operations of the bill for the abolition of imprisonment for debt. So beneficial was it found, that those who had been most opposed to it were now loudest in its praise. He was aware of the defect to which his hon. Friend had referred. The moment he heard of it he had consulted the judges, being anxious to have their opinions. Lord Denman had been good enough to say, that he would take the opinion of his brethren on the point. Whenever the result should be communicated, he (the Attorney General) would be most anxious to carry into effect the object of his hon. Friend, by introducing a clause into the bill now before Parliament, or by bringing in a substantive bill for the relief of the grievance.

JAMAICA.—SUSPENSION OF THE CONSTITUTION]. Lord *John Russell* said, that, in moving that the House should, at its rising, adjourn to Monday, he would take the opportunity of making a few observations with regard to the course the Government intended to pursue upon the Jamaica Bill. He understood (for being detained elsewhere, he was not in the House at the time) that the right hon. Gentleman opposite, the Member for Tamworth, had given notice that he should on Monday next oppose the Speaker leaving the chair, with the view of rejecting the bill which had been introduced. Now, although he (Lord John Russell) thought that course the most hostile that could possibly be taken, yet at the same time he certainly was of opinion, that if the Government could find, with respect to a measure of this nature, suspending a legislature, that the grounds on which they had originally come to their determination were in any respect erroneous, it certainly would be their bounden duty to adopt some other course—perhaps a course such as that suggested by the right hon. Baronet. But having again considered that course, and having referred to all the reasons on which the bill was originally founded, the Members of the Government were the more confirmed in their opinion that it was necessary they should press on the House the adoption of that bill, and that they should have the opportunity of stating fully all the reasons on which the bill was grounded. He should likewise state that the Government did not consider (although there might possibly be other courses more advisable than that which they proposed to effect the object) that the course proposed by the right hon. Gentleman would have any chance of procuring efficient legislation in the island of Jamaica. Having come to that opinion, it was certainly their duty to press on the House the necessity of going into Committee on the bill. Neither could he say that, with the exception of one certainly very material point, there was any doubt in the minds of the Government with respect to the different provisions of the bill. The provision he alluded to was, that with respect to the term of years during which the bill should be made to operate. If it could be shown that the continuance for a less term of the extraordinary powers given by the bill would secure the main object, and procure future efficient legislation in Jamaica, on that point there might be some change in the original proposition. Having stated thus much, he thought he should likewise state that the right hon. Gentleman opposite, having given notice of so decided a course before the propositions of the Government had been fully debated, and as he did not think that the Members of that House had had their attention sufficiently called either to the papers or to the measures founded upon the proceedings in the West India islands, and in Jamaica particularly, he did not propose to bring on the bill on Monday, but to move the consideration of it on Friday next.

Sir *R. Peel* thought that the noble Lord had pursued rather an unusual course; for, in giving notice of his intention to postpone the bill, he had rather made a speech on the subject of the bill, directed against the amendment which he intended to bring forward. The noble Lord had placed him, therefore, in an embarrassing position, and he hoped he might be enabled to explain his views. It was not his intention to go into the subject at length; but he was particularly anxious to explain himself, as there had been some misconstruction with respect to the positions he had laid down. Some Gentlemen had understood him (he wondered how they could possibly have done so) to propose that the Imperial Parliament should repeal the Prisons Bill, which passed last Session. Now he had distinctly stated, that he thought the Imperial Parliament had a perfect right, and was bound to maintain the Prisons Bill. He certainly did state that, seeing the immense embarrassment that would arise from an attempt to impose taxation in the way proposed in Jamaica for five years or a shorter period, and to suspend a popular government in a country which had had a popular government for two hundred years, he thought it was important to permit another appeal to be made to the Assembly of Jamaica to continue in the execution of their functions. At the same time, if her Majesty's Government were of opinion, that in consequence of the refusal of the Assembly to perform its functions, any practical difficulty had arisen, he was perfectly ready to provide for that practical difficulty, limiting the remedy to the necessity. He had said, also, that if her Majesty's Government should observe that they could not receive an answer from Jamaica during the course of the present Session, and that it might be necessary to provide for some contingencies which might arise in consequence of the Legislative Assembly refusing to perform its functions, he (Sir R. Peel) would be also ready to meet that difficulty, and to provide for continuing bills which might stand repealed in consequence of the discontinuance of the Assembly's proceedings. That declaration he had made, and by that he meant to abide. The noble Lord said, that he (Sir R. Peel) had taken the most hostile course with respect to this bill; but the House would recollect, that he had taken that course with the important qualification, that he was perfectly ready to consider any proposition for meeting present difficulties and future contingencies. His plan was totally opposed in principle to that of the noble Lord. He wished to give an opportunity to the Legislative Assembly of continuing the performance of their functions—the Imperial Parliament making no concessions or retractations. If the House of Assembly were willing to continue their functions while Parliament adhered to the Prisons' Bill, in his opinion it would be well to give them an opportunity of doing so. But he found it impossible to move his amendment in Committee, and he thought that it was much fairer to take the opinion of the House on the question that the Speaker do leave the chair, rather than on some unimportant point in Committee. If he succeeded on the question, he should be perfectly ready to give her Majesty's Government full powers to meet any necessity that might arise.

Lord *John Russel* said, that the proposition of the right hon. Gentleman would not enable the Government to meet any emergency that might arise.

Mr. *Hume* was of opinion that the House was exercising its authority in this matter in an unjustifiable manner. He would only at present beg that time should be allowed for the legislature of Jamaica to know the course the Government was pursuing.

CONTROVERTED ELECTIONS.] Sir *R. Peel* moved the Order of the Day for going into Committee on the Trial of Controverted Elections Bill.

Mr. *S. O'Brien* said, that as he was opposed to the measure *in toto*, he thought it would be better to move that it be committed that day six months than to take the discussion on the amendment of the hon. Member for Worcester.

The *Speaker* observed, that the hon. Member could not take this course until the amendment of which the hon. Member for Worcester had given notice was disposed of.

Colonel *Davies* then, in pursuance of the notice which he had given, moved that the Bill should be referred to a Select Committee. He admitted that great evils arose from the present system, but he did not believe the measure under consideration would be an efficient remedy for the evils to which it was to be applied.

Sir *G. Strickland* seconded the amendment, and said, that those who thought the new mode now proposed preferable to the old, would be disappointed in the result. They ought, however, to be much obliged to the right hon. Baronet for the pains he had been at on this difficult subject. This Bill originated in the accusations of corruption and perjury which had been brought against the Members of Election Committees. He knew that he should be accused of entering on a Quixotic expedition in endeavouring to defend the House against these accusations, but he really and decidedly was of opinion, that there was little ground for them. He thought the evil had arisen from the nearly equal division of parties in that House. The Members of committees were quite at sea with regard to the law on the subject, and counsel produced as precedents, the contradictory proceedings of former Committees. In whatever way an Election Committee was constituted, there would be accusations brought against them, and those accusations proceeded from party feelings, and not from the constitution of the Committee. With respect to the Hull Election Committee, of which he had been chairman, and in which his conduct had been much calumniated, he could only say, that the Members of that Committee decided according to the best of their judgment; and although the hon. and learned Member for Ripon said, they were wrong with respect to the qualification of Mr. Wilberforce, yet he justified them in the course which they had taken when he admitted that the point constituted a difficult conveyancing question. He had been obliged every day to run down as fast as possible to the House immediately after the committee had broken up, in order to attend to some private business: and so far as the allegation went with respect to his going to Mr. Parkes's office, who was the agent for the petitioner, he would only say, that if that gentleman had an office, he was to that moment ignorant of where it was. He never had been in any house or office belonging to Mr. Parkes. It was quite evident that the accusations which were made with respect to the conduct of Members of committees were, generally, the result of party feeling. They were invented in order that they might be afterwards bandied about for party purposes. He wished to impress upon the House, that in order to effect an improvement in the proceedings of committees, they should commence by clearing up the law, for a great part of the difficulty which the committees had to contend against, arose from the indefinite and uncertain state of the law He had always understood that the Reform Bill, by increasing the number of polling-places, had rendered it possible for each person who wanted to vote, to get to the poling-place without any inconvenience, and he consequently was under the impression that travelling expenses should not be allowed to voters; but committees had since decided, that voters might be allowed travelling expenses. The law upon this point ought to be rendered clear and explicit, so that there could be no misunderstanding with respect to it, and so that all committees would be enabled to come to the same decision as regarded the allowance of travelling expenses. If travelling expenses were allowed by law, he should say, that it was very difficult to draw a line between those which were legal travelling expenses and those which went beyond that boundary. The best mode would be to allow a certain sum per mile, such as was now allowed to witnesses at assizes. There was another subject which required to be put beyond dispute, namely, allowing refreshments to electors when travelling? Was it bribery or not as the law at present stood? It was very difficult to decide as to what were reasonable refreshments, and when that boundary was exceeded. Those points ought to be cleared up, and the Legislature should commence by rendering the law which bore upon them definite, and not subject to be misunderstood.

Sir *H. Hardinge* concurred in thinking with his right hon. Friend who brought in the bill, that it was calculated to produce most beneficial and advantageous effects. The hon. Baronet who had just sat down had stated, that the working of the committees depended in a great degree on the mode in which the law of Parliament was declared. A great many of the questions before the committees were so difficult, that much of the obloquy which was thrown upon them arose more from the difficulties attending those questions than from any perversion of the members of the committees. The hon. Baronet had referred to the Hull committee as an illustration of the difficulties to which Members who served on committees were subjected, and said, that he himself, as chairman of that committee, had been exposed to obloquy, because they had decided against Mr. Wilberforce's qualification, which had been a subject very difficult to decide upon. He fully agreed with the hon. Baronet as to the difficulty of the point, but he should say, that the majority of that committee had no doubt as to the qualification of Mr. Wilberforce, the only doubt being as to the freehold nature of the property. The hon. Baronet complained that he had been exposed to obloquy in consequence of representations which appeared in the public papers with respect to him as chairman of that committee, which attacks stated, that the hon. Baronet had been in communication with the agent for the petitioners; and he complained of having suffered much from those attacks. The hon. Baronet had thought it necessary to enter into a defence of himself against those attacks, and to state, that he never had spoken to the agent for the petitioner. He had no doubt that the hon. Baronet had had no communication with the agent for the petitioner, but he could state, as one who took a great interest in the proceedings of that committee, who was frequent in his attendance during its sittings, and who had closely observed those proceedings, that the obloquy to which the hon. Baronet, as chairman, had been exposed, had not arisen from any supposition that he had spoken to the agent for the petitioner, but from the extraordinary and very strange decisions which that committee had come to. Although he had heard the whole of the evidence upon which those decisions were founded, it was impossible for him, who had not been sworn "to well and truly try," to say that the decisions to which the committee had come were not those which they had deemed just; but he could state, that he had heard them strongly objected to by several members of the bar who heard them. Those hon. Members who made such decisions had been sworn to discharge that duty impartially; it was impossible for him to search their hearts, and he did not mean to impugn them; but he stated what had been the opinion of the public with respect to them. He had seen the hon. Baronet opposite sitting as chairman of that committee—he had traced to him several double votes, for it was easy for any Member of that House, who took the trouble to inquire into it, to ascertain when the chairman gave a double vote; and, therefore, he should say, that there were some double votes given by the hon. Baronet opposite which excited great doubts in his mind upon the propriety of those decisions. The hon. Baronet had, during the proceedings of that committee, given ten double votes. There were upon the committee eight Members belonging to the hon. Baronet's side of the House, and only three belonging to the other, or opposition, side; but one of the eight was obliged to discontinue attendance in consequence of illness, and that left seven at one side and three at the other. Upon those ten occasions in which the chairman gave double votes, nine were decided in favour of the petitioner; and so strong were those decisions against the sitting Member, that the public press and many Members of that House as well as the public in general, expressed their astonishment at each decision. After the committee had sat forty days examining the lists against the sitting Member, and when a majority of one had been declared in favour of the gentleman claiming the seat, when the lists of objections which the sitting Member had formed of persons objected to, who had voted for the petitioner was produced, it was declared invalid, in consequence of the frontispiece or heading of the schedule not having been signed correctly, as had been alleged. The hon. Baronet had given his vote against receiving the list of the objections as valid, because, in the frontispiece of the schedule the petitioner was called John instead of George, notwithstanding the clerk of the House of Commons deposed, that, according to the custom of the House, and the Act of Parliament, it was not invalidated in his opinion under the circumstances; notwithstanding that previous committees had decided that a clerical error did not render the list invalid, provided it did not alter the sense or tend to mislead the committee; and the clerk deposed, that it had not the slightest tendency to mislead. The committee divided upon that point; they were five to five, and the hon. Baronet gave his casting vote in favour of invalidating the list. Under all those circumstances, in eight other cases, the hon. Baronet had most astonishingly given his double vote in favour of the petitioner, for it had come to a casting vote in those cases, although there were seven members of the committee of the hon. Baronet's side, and but three at the other. Could he then, feeling as he did, remain silent with anything like fairness or manliness, when he heard the hon. Baronet get up and attempt to vindicate himself against what was not at all the *gravamen* of the charge? He had heard that vindication; he had heard the evidence upon which those decisions were made; and the hon. Baronet's conduct had been such that, if the bill of the right hon. Baronet near him should pass, and give him the power, he never should hear the name of the hon. Baronet opposite (Sir G. Strickland) mentioned for the purpose of being appointed upon a committee of that House, without entering his protest against admitting him to serve upon such committee, and he should state to the House the reasons for so objecting. As he could not search the motives of the hon. Baronet, he should only state, that he heard members of the legal profession say, that those decisions were not justified by the evidence, and he should, therefore, upon any future occasion (if he were permitted the power under that bill, or whatever bill might be passed into a law), when he heard the name of the hon. Baronet mentioned to act as judge or juror on a committee of that House, he should object to him as disqualified to serve, by his ignorance, by his incompetence, and his want of common sense. He did not intend to take any part in that debate, nor should he have done so, had not the hon. Baronet attempted to justify the decisions of a committee, which had done more to bring into disrepute committees for the trial of controverted elections than any other committee that ever sat. Whenever the hon. Baronet should be named to serve upon a committee, he should enter his protest against it for those reasons which he had stated.

Sir *G. Strickland* wished to address a few words to the House in consequence of the observations of the hon. Member who had just sat down. If it were in accordance with the rules of the House that one hon. Member should accuse another of want of common sense, then he bowed with respect to its decision, and should not say a word more upon that subject. The hon. and gallant Member, gallant in attack, had made a most extraordinary accusation with respect to his having given many double votes. He did not know whether any hon. Gentlemen who had been Members of that committee were then in the House, but if there were any such present, he would appeal to them if he had not expressed the painful situation in which he was placed by an unwise provision of the Grenville Act, which compelled him to give double votes. The occasion of giving those double votes arose from one of the Members of the committee having been taken ill. In all those cases he had been compelled to give double votes, and he would ask, did the hon. and gallant Member opposite mean to prove his common sense by saying, that having given one vote he should stultify himself by giving the next vote the other way?

Mr. *Vernon Smith* hoped this discussion would not degenerate into party topics under party feeling. He was not going to refer to any particular case, and therefore he hoped his rising would be an interruption to any other Gentleman getting up who might feel in the least disposed to continue the discussion in the character it had assumed. He did not intend to vote for the reference of this bill to a Select Committee. In general, when bills were referred to a Select Committee, it was for the purpose of making some great alteration, or overcoming some difficulty which was almost insuperable for the House, but which did not exist in this case. He should not propose to reject the bill, but reserve to himself the right to offer such objection to parts of it as might seem to him to be fit. His great objection to the principle of the bill was, that it appeared to him to proceed upon quite an erroneous supposition. The right hon. Baronet seemed to think that what was a good and salutary course to be adopted in a private case, would be a good and salutary course to be adopted also upon the trial of Election Committees in which he could not agree with the right hon. Bart. There was one grand distinction between the capacity of Members adjudicating on private bills, and on controverted elections. With regard to private bills, they might hope to select Gentlemen having no individual interest; but it was almost impossible to suppose that any Member of Parliament could go to an election tribunal with any thing like impartiality. He thought the more manly course would be, for the House to allow that it was unfair without sufficient cause to place men of honour in such a position as to make their motives suspected, and this objection applied as strongly to the bill now under consideration as to the plan at present pursued. The first difficulty of the present plan was the nomination of Members by the Speaker. He had no fear of any partial decision from the Chair, but he would ask how the Speaker was to proceed in this selection? If it was considered a high honour to be selected, what would be the feelings of those who were excluded, and who would consequently be considered neither so fit nor so honest as those who would be officially selected? If on the other hand it were considered a nuisance, he would beg the House to consider the canvassing that would take place to avoid being selected. How could the Speaker proceed in the selection of the six, except by choosing three from one side of the House and three from the other? and from the moment the committee was thus appointed, it would assume the shape of party, and to it, right or wrong, party decisions would be attributed. There was another difficulty; suppose men declined to serve, the Speaker was to select another six, who might not meet with the confidence of the House, and give rise to discussions as to character, of the inconvenience of which they had had an example that evening. He did not think that any Member who might be so selected, would like, that a political opponent, under feelings of irritation, should get up and charge him with ignorance and want of common sense. The six thus appointed were to make choice of a seventh, but suppose they were equally divided, there was no method proposed of making them come to a choice; but even if they did make a choice, the same difficulties would arise in committee as arose at present. He felt extremely obliged to the right hon. Gentleman for having turned his attention to this subject, but he thought it was impossible to attain the end proposed by any tribunal consisting of Members of that House. With regard to the objections which had been made to placing that power in the hands of persons out of the House, on the ground of such proceeding being unconstitutional, he regarded them as utterly chimerical; as in fact, under the present system, although the Members of Election Committees were Members of that House, they did not act in their representative capacity.

Sir *R. Peel* begged to remind the House, before they entered into any discussion of the particular motion before them, that there were several propositions before the House. One was, the proposition under debate, namely, that the bill be referred to a select committee, and he must say, that that proposition had been supported in a speech which convinced him of the impropriety of sending a bill to a select committee. The effect of the proposition would, in fact, be to adjourn the question for six months. There was then a proposition for moving instructions to the committee for the purpose of appointing assessors, and establishing a court of appeal; and there was another proposition, that it should not go into a committee at all. Now, if all these were made matter for preliminary discussion previous to going into committee, they would make no advance that night. He thought it would be infinitely better, therefore, to debate each proposition separately, and so dispose of it. He suggested, that they had better refrain from discussing the general principles of the bill, and confine themselves strictly to the first proposition, namely, whether or not they would send the bill to a select committee. His own opinion was, that they had better permit the bill to go through committee and be made as perfect as they could make it; and if then it did not give satisfaction, the hon. and gallant Member might give notice on the third reading that he would oppose the bill. He admitted the perfect right of hon. Members to discuss the principle of the bill now; but the question was, what course would be most convenient. He decidedly objected to referring the bill to a select committee. Let the House either permit the bill to go on, and to be made as perfect as possible, or extinguish it at once; but he decidedly objected to its being put to a slow and lingering death. There was nothing for a select committee to inquire into—nothing whatever. The question was quite ripe for the decision of the House of Commons. All were alive to the existing evils; there was not a second opinion upon the subject; and he was perfectly certain that the House of Commons would make no advance by sending the bill to a select committee. Whether they retained the present system, or framed a new one, it was of the utmost importance that the House should arrive at some legislative decision. It was absolutely necessary, at all events, that they should define what the law of Parliament really was. He regretted to say, that the House was too apt, when a subject of any importance was brought before them for discussion, to endeavour to get rid of the immediate difficulty, by referring the matter to a select committee. The time must come when the House of Commons must face the difficulty of considering what was the fitting jurisdiction for the trial of election petitions. However troublesome the question might be to a committee of the whole House, he was convinced that they would make no advance whatever by sending the bill to a committee up stairs. He had no party view in this matter, and had no right to say any thing of his personal wishes, but he hoped the House would relieve him from the anxiety of attending to this bill, and watching its progress for two months through a select committee. He should be perfectly satisfied with the decision of the House, as he was sure that decision would not be influenced by party feelings; and if the House determined, upon the third reading, either to adopt some other principle, or to retain the present system, that should not in the slightest degree abate his acknowledgment for the manner in which his proposition had been treated.

Viscount *Howick* said, he merely rose to express his concurrence in what had fallen from the right hon. Baronet. He certainly thought that they had better not enter upon the discussion of the general principle of the bill in that stage, but that that discussion should be postponed until they saw what the bill would really be. They had already had a discussion upon the general question whether they would retain the jurisdiction in the House or not, and the House had determined upon retaining the jurisdiction by a majority of three to one. As to the amendment of his hon. and learned Friend, the Member for Liskeard, he thought that when the proper time arrived that that amendment ought to be engrafted on the bill.

Mr. *O'Connell* said, that the motion before the House was for a select committee. Now those who were opposed to the principle of the bill were also opposed to this motion; and he did not, therefore, see how the inconvenience pointed out by the right hon. Baronet, the Member for Tamworth, could be cured by deciding on the motion. They could not decide upon the motion without discussing the principle of the bill.

Colonel *Davies* did not wish to inconvenience the House, and would therefore consent to his motion being negatived.

Motion negatived.

The original question, that the House resolve itself into a committee on the bill, having been again put,

Mr. *C. Buller* rose and said, that this was the time he believed for him to make the motion for an instruction to the committee, of which he had given notice. He did not know whether, in point of form, there could be any objection to his motion; but he hoped the House would allow him to state why he proposed his amendments in the shape of an instruction to the committee, and not as clauses of the bill. In the first place, when an amendment was proposed which went to make an important alteration, so as to give an entirely new character to the bill, he thought it ought to be proposed in some form in which it could be sufficiently discussed. He believed, according to the strict rule, that he could not bring the question before the House in any shape except as an amendment. That part of his motion which applied to assessors might be moved in committee; but he did not see how it would be consistent with the bill to move in committee upon the bill a clause establishing a tribunal for appeals from the revising barristers. He had laboured much in this matter, but had abandoned his proposal in favour of that of the right hon Baronet. with great satisfaction; because, although he himself might feel some doubt as to which of the two plans was the better, he thought there was a great deal of merit in that of the right hon. Baronet; and at any rate the right hon. Baronet's proposal was much more likely to be carried than his; and as he sincerely believed that it was for the honour of the House, and for the interest of the community, that they should abandon the present vicious and disgraceful system, he was exceedingly glad to waive his plan in favour of that of the right hon. Baronet. He believed, however, that without the appointment of assessors, and of a tribunal of appeal, the plan proposed by the right hon. Baronet would do little towards removing the existing evils. There was one remark which he thought ought to be borne in mind by the House. A great deal was said about the character of this question, and the peculiar interests which Members of Parliament felt, owing to which, it was said, it was impossible to decide such questions fairly—

Sir *J. Graham* rose to order. If there was one rule better established than another it was this, that in no case could an instruction to a committee be moved to do a thing which it was competent to the committee to do without an instruction. As he understood the motion of the hon. and learned Member for Liskeard, it was to introduce clauses in committee which would enable the House to appoint assessors, and a tribunal of appeal. If the motion of the hon. and learned Gentleman was strictly limited to that object, he conceived that there was nothing in the motion so worded that it was not competent for the committee to do without an instruction. In that case, therefore, it was clearly irregular to move an instruction. The only doubt arose from the additional object stated by the hon. and learned Gentleman —namely, that if the committee appointed assessors, they were to form a tribunal of appeal from the revising barristers. He conceived this was not necessary, and he doubted if it was competent to the House to introduce such a proposition. He thought that such a proposition ought to form part of a registration bill.

Viscount *Howick* said, that before he noticed the question of the right hon. Baronet he must take the liberty of observing, that the appointment of a court of appeal was necessarily and inevitably connected with the question of assessors, because he conceived that the House would never consent to the appointment of three Gentlemen with permanent salaries as assessors, if they did the mere duty of assessors in election committees; but if that duty were coupled with other duties which were extremely important, closely connected with their other duties, and which could be most advantageously discharged by such persons, namely, the duty of forming a court of appeal, deciding all disputed points of election law that came before the court of the registration barristers—if the two objects were combined, he did not despair of the House concurring in the appointment of assessors. It therefore appeared to him, that the question of a court of appeal was absolutely essential to the proposition of his hon. Friend the Member for Liskeard, and that he had a fair right to propose to incorporate it in this bill. The right hon. Baronet the Member for Tamworth had himself stated, that he conceived clearly that the hon. and learned Member for Liskeard could not propose to introduce his proposition into the bill unless he was authorized to do so by an instruction to the committee; he thought, upon these grounds, that the instruction to the committee was a regular proceeding.

Mr. *Warburton* said, that it appeared to him that the right hon. Baronet the Member for Pembroke had given the very reason why it was necessary to move this instruction. The right hon. Baronet said, that the object of forming a court of appeal from the revising barristers was foreign to the title of the bill. Why, that was the very reason why the instruction was necessary. If it were germane to the title of the bill the instruction would not be necessary, but because it was foreign to the bill it was necessary.

The *Speaker* said, that no rule of the House was more clear, and none which it was so important for many considerations that they should rigidly adhere to, as that what they could do in committee the House should not do by way of instruction. If he looked to the title of the bill before the House, it was a bill to amend the jurisdiction of the House in the trial of controverted elections. The preamble of the bill said no more. The hon. and learned Member for Liskeard moved to provide for the appointment of permanent assessors to election committees. Now, this had a distinct reference to the jurisdiction in cases of controverted elections, and might be introduced into the bill in committee. But the hon. and learned Member had another object, namely, the establishment of a court of appeal from the revising barristers, composed of those assessors. The question was, whether in that stage of the business the House could assent to the adoption of such a proposition in the shape of an instruction to the committee. If the House would observe, it had been admitted on all hands that the first part of the hon. and learned Gentleman's motion might be disposed of in committee. Suppose the committee to concur in the motion of the hon. and learned Gentleman, it would then be for him, if he thought fit, to have a clause inserted in the bill, stating that the assessors should be converted into a court of appeal from the revising barristers. But the question was, what would be the proper time to make this motion, and whether it could be done in the shape of an instruction to the committee? He thought, unless it should appear clear to the House that the hon. and learned Member would not have an opportunity of submitting his proposition in its full extent to the committee, without a previous instruction, that they should hesitate before they departed from the recognized rule of not doing that by an instruction which a committee could do without it.

Mr. *Wynn* said it appeared to him undesirable to do out of committee what it was competent to do in committee. With respect to the application of this rule there was no difference whatever between committees of the whole House and committees above stairs. However, there were instances in which this rule had been departed from; but, as a general principle, he fully concurred that the rule ought to be rigidly adhered to unless on occasions of great importance. If anything was to be introduced into this bill which did not relate to the title of the bill it could only be done by instruction.

Mr. *O'Connell* said, it appeared that

there was part of the motion which it was competent to move in committee, and part which it was not. He thought it a very inconvenient course that they should first go into committee and decide in part, and that the hon. Member should then move that the House resume, and ask for an instruction to enable him to move the other part of his amendment. He thought it would be much better to take the sense of the House upon the amendment.

The *Chancellor of the Exchequer*, looking to the experience of late years, had observed that the practice of moving instructions had very much increased. He concurred in the inconvenience of doing by instruction that which which could not be done in committee. What he suggested was that the House should give the committee power of entertaining the question of a Court of Appeal—that they should go into the committee with this understanding; and when they came to the clauses of the bill to which this amendment was intended to be applied, he thought that they would have a much more effectual discussion than they were likely to have at present. He thought that they would discuss the question with more advantage in committee than they could now.

Mr. *Bernal* said, he thought that his hon. and learned Friend could not pursue any other course on the present occasion; for, with due deference to the House, he submitted that the proposition which his hon. and learned Friend had in view could not be entertained in committee upon this bill, entitled as it was, without the sanction of a previous instruction from the House.

Sir *G. Clerk* recommended that the hon. and learned Member should introduce in committee the simple point of the appointment of assessors, which required no previous instruction from the House; and then, if his proposition were therein agreed to, subsequently move that the bill be recommitted for the purpose of forming those assessors into a court of appeal. It appeared to him, however, that there was a more natural connection between his amendment and the bill for the registration of electors, which was in the hands of the noble Lord opposite, and was not likely to be proceeded with for some time. He thought it better thatthe hon. Member should consider the parts of his amendment separately.

Mr. *C. Buller* thanked the hon. Baronet for his suggestions that he should take the opportunity of withdrawing his amendment in the present bill, for the purpose of adding it to a bill which had no chance of passing. He would not act against the rules of the House; but when a bill was introduced for the trial of controverted elections, and when he thought he could propose a plan which he believed the most effectual to put an end to the evils of the present system, he felt that he was bound in logic as well as in fairness to propose that plan to the House as an addition to that bill. The bill proposed to introduce an improved plan for the trial of election petitions; and he proposed to determine the question before it came to the petitions, by allowing the disputed points to be settled by an appeal from the revising barristers. It seemed to him, as he had already stated, that it had often been thought better by the House to discuss large amendments on a bill in the shape of instructions to the committee than on separate clauses. The right hon. Baronet the Member for Tamworth had himself taken this course when he moved an instruction to the committee to divide the Irish Corporation Bill into two parts. It was simply a question of the convenience of the House. Having two improvements to propose, which were naturally connected with each other, namely the appointment of assessors to Election Committees, and the creation of a Court of Appeal from the revising barristers, he thought it better that he should state his views on both questions together, and that the House should consider them together, than that the least important should be proposed first.

Lord *Stanley* said, that there was one course he would suggest for the consideration of the hon. Member for Liskeard, and which would save the time of the House and answer the object the hon. Member had in view. He understood that in the proposition of the hon. Member there were two distinct points, one of which he would be able to move without an instruction, the second requiring an instruction. It appeared also that the second was contingent on the first. He saw considerable objection to a course which had been suggested—to re-considering the question in the House after the committee had come to a decision, and moving the re-committal of the bill. Would not the hon. Member be satisfied that, without any debate, the House should agree to give to the committee power to consider the question of establishing a tribunal of appeal?

This the House could do without being in any way pledged to the proposition of the hon. Member.

Mr. *O'Connell* asked whether it would not be necessary for the hon. and learned Member to wait till all the original clauses of the bill were gone through, before he could propose any new clauses?

Mr. *C. W. Wynn* apprehended that no new clauses could ever be introduced, for any one purpose or another, into a bill, until all the original clauses were gone through.

Viscount *Howick* said, that if the proposal of the hon. and learned Member for the appointment of assessors were to be engrafted upon the bill, it would be necessary to alter the words of some of the earlier clauses of the bill, and therefore he thought it would be better to discuss the question whether that proposition was to be entertained or not, before they went into committee.

Sir *R. Peel* said, he had some embarrassment in expressing any opinion, as he was unwilling in any way to interfere with any course the hon. Member might propose to take. However, he did not think it would be fair were he to conceal the objections which he entertained, and which he meant to offer to the proposal of the hon. Member. It was certainly his intention to ask the House not to decide on that proposal until they had before them the details with which the hon. Member meant to carry out his proposition. He would ask the hon. Member to tell them by what mode he meant to carry his intentions into effect. It would be difficult to decide until they had before them the particulars of the hon. and learned Member's plan. The hon. and learned Member should in the first instance give the House some explanation upon these three points, namely, how he proposed the assessors to be appointed—by what tenure they were to hold their office—and what were the distinct powers, with which they were to be invested. Without this information he (Sir Robert Peel) should decline, and he should ask the House to refuse to give a vote at all to prejudice them upon an abstract proposition, whether assessors should be appointed or not.

Mr. *F. Kelly* concurred in the suggestion of the noble Lord the Member for North Lancashire, and it appeared to him that every object would be obtained by taking that course. He agreed too in the observations of the right hon. Baronet. There were many persons who might be disposed to adopt the proposition of the hon. Member for Liskeard if they found it conformable to the bill of the right hon. Baronet.

The *Attorney-General* concurred in the view of the subject taken by the noble Lord the Member for North Lancashire. The suggestion of the noble Lord met all difficulties, and the course he recommended was the best that could be suggested. He should be anxious to hear all the details, and should look with some anxiety to the appointment of a learned and independent lawyer, whose opinion would be respected by the committees of the House. He saw no objection to entertaining the question in the committee, and to having the hon. Member for Liskeard's proposition fully considered.

Mr. *C. Buller* said, he was almost at a loss to make out what the wish of the House was upon the present occasion. He was ready to consult the wishes of hon. Gentlemen as far as possible. With respect to the objection which had been thrown out by the right hon. Baronet the Member for Tamworth, respecting the details of his proposition, he must say, that he certainly had not come down with the clauses prepared in his hand, but he could state their purport to the House, which he hoped would be sufficient. He was going on to state—when he was interrupted on a point of order, by the right hon. Baronet the Member for Pembroke—that in his opinion, there would be no use in altering the constitution of the committees by which election petitions were to be tried, so long as it was left to those committees to decide upon the legality of each individual vote concerned in the contested return, and to be found upon the poll. He thought that, constituted as political parties were in this country, and with the feelings which men must have, this was an authority which should not be intrusted to any set of men so interested in politics as Members of this House inevitably were. Whilst this power remained to the House, there were many cases, particularly where a large class of voters was concerned, in which the committee had the power of establishing which political party should have the ascendancy in the place concerned, and, as a necessary consequence, to a certain extent, who should be the Ministers of the Crown. This was holding out a premium and inducement to commit injustice, which he feared in most cases it would be difficult to resist. He thought they would never have a fair decision upon the legality of votes, as long as that was a question to be decided after the votes were entered upon the poll, and their political tendency therefore clearly ascertained. He himself had, in his bill of last Session, proposed a plan for an appeal from the decisions of revising barristers by a tribunal, which was also to have the duty of deciding upon controverted elections; and the noble Lord the Member for Hertford had proposed a similar plan at the beginning of the present Session. Now the proposal for an appeal from the revising barristers' decisions appeared to him extremely simple, and one likely to be attended with little expense. It was proposed that the court of appeal should sit in London, and that the cases should be brought before it in the same way as was pursued in the Court of King's Bench in appeals from the quarter sessions upon points under the Poor-laws. He was opposed, however, to the proposal of the noble Lord to extend to this tribunal the authority of trying controverted elections, because he thought that that was a power which the House should never place out of its own hands. He recollected when first he brought the subject of election committees before the House, he thought he should not be tolerated when he sketched the character which he had to draw of the proceedings before these committees, and that he ran the risk of encountering strong opposition against anything which should at all impeach their conduct. But he must say, that he had not only been agreeably disappointed upon this head, but his fear was now very much the other way. He was actually startled at the way in which hon. Members had been pleased to run themselves down in the eyes of the country. It appeared now to be the opinion of many hon. Gentlemen on both sides of the House, that not only were their decisions bad, but that their badness originated in a want of honesty and the spirit of truth in the composition of hon. Members themselves. Now, for his own part, he thought, upon the whole, that the Members of the House of Commons were as honest, taken one by one, as most other people in the community; and, taken only as a jury, he thought they would be as likely to find a just verdict upon any particular case as any jury formed from amongst the rest of the community. He was inclined to think that it was not the class from which the present election committees were taken that was objectionable, but the mode in which they were constituted. He was quite satisfied that the Grenville Act was well calculated to work beneficially in quiet times, and that it deserved all the popularity which attended it for a considerable period after it passed; but it did not contain in itself the means of guarding against perversion of party strife. He did not know whether any plan that could be proposed would effectually and completely do so; but if he were asked to devise a plan for vitiating the justice of hon. Members, and casting an imputation on their honour, he could not choose one more suited to his object than that by which committees were now formed. The great evil of the present system, was the want of knowledge of law, which would qualify to pronounce a decision on the questions submitted to committees; and the greater still was the want of permanence in the tribunal; for in the first place, those who sat upon them were ignorant, and in the next place, the committees were always fluctuating, so as never to ensure any uniformity of opinion. It was above all of the greatest advantage that some appeal from the revising barristers should settle questions concerning the votes of the electors. Let the Courts of Westminster act without appeal for a period of fifty years, and their decisions would be a mass of confusion. All law was made up from the precedents established in former years. What was the practice at present before committees? A barrister on each side cited three or four cases (always to be found) in favour of his view; and a country gentleman unable to make up his mind as to which side was right very naturally voted with the friend or the party with whom he acted in the House. He owned he should, under such circumstances, take the same course, unless it could be proved to him that his determination would be unjust. Well, then, he thought that permanence in some part of the tribunal was absolutely necessary. Let there be a fluctuating committee of the right hon. Baronet's choice, but let there be one permanent Member who should have the advantage of experience, and of constantly deciding on a similar class of cases. He believed that the difficulty of deciding questions which came under the jurisdiction of committees was much overrated. There might be some few cases requiring legal research, but six months' study would make any Member in that House sufficiently master of law to dispose of the great mass of cases submitted to committees. There were many Members in that House who had discharged the duties of chairmen of Quarter Sessions in a manner which redounded to their own reputation, and which contributed to the great benefit of the public. Now, to qualify themselves for that position, they must have acquired a greater knowledge of law than it would be necessary for them to have if called upon to decide the questions which came before election committees. What he proposed, then, was—that in each of the committees named according to the right hon. Gentleman's plan, there should be a permanent assessor. Here, however, a difficulty arose—what power were the assessors to have, and by whom were they to be appointed? It was a matter, too, of considerable importance to know from what class these assessors should be taken. The recommendation of the committee which sat upon this subject was, that a barrister should be appointed by a power in the House, to act as chairman of each committee, without being entitled to vote. He must confess that his own feeling was in favour of a proposition perfectly different; but the hon. Member for Montgomeryshire and himself were the only Members of the committee of 1836 who thought that the best course, both on constitutional grounds and with reference to the ability of the person selected, would be to make a permanent chairman from the Members of the House. He took this view, he repeated, not only from a wish to adhere to constitutional principles, but because he was convinced that they could command a degree of ability amongst the Members of the House which they could not procure out of it, without giving a larger amount of remuneration than the House would be willing, or that it would be proper to apply to such a purpose. No doubt they could get the services of very eminent men out of the House, but not for the sum of 1,500*l.* or 2,000*l.* a-year, which was all that the House seemed willing to grant. He did not mean to say that they could not get gentlemen well qualified to discharge the duties of an assessor for that sum, but they would not have that weight in their profession which would ensure deference from those who came before them. He thought it would be much better to combine the weight which a seat in that House would be sure to confer, with a degree of knowledge and experience which would be as extensive as any that could be obtained, in the case of a barrister willing to forego his professional emoluments for the sum which he had mentioned. However, he was willing to yield his own opinion to that of the committee, and agree to the appointment of barristers. Now, the first objection started to this proposal of the committee was, that if you give these assessors no vote they will have no weight. He confessed he could not see the force of that objection, because it appeared to him that their opinion would have the weight of a legal authority, whether it was accompanied by a vote or not. Now, as to the appointment and tenure of this office. The recommendation of the committee, brought about by an odd conflict of different opinions was, that the tenure of the office should be from Session to Session. He did not think this a point of very great importance; for he thought no barrister would have any fear of his re-election if he discharged his duties properly. He should propose, that the office should be held from Parliament to Parliament. Then came the difficult question of the appointment, and whether it should be vested in the Members of that House or in some persons out of it? There was a strong disinclination in the House to part with this power, and the only difficulty was, how the authority could be best exercised within the House? It was in every way objectionable, that the vote of the majority should decide on the appointment, first, because, in times of great excitement, the whole number might be named by the predominant party; and next because, when three parties were in the House (as in the first reformed Parliament), it was impossible to devise any plan by which each should have a fair share in the selection. The only course left, then, was to vest the appointment in the hands of some person in whom the House had confidence, and the choice naturally fell on the Speaker. Here it was suggested, that this proceeding would give the Speaker a political character, and expose him to censure, by being obliged to make a selection from some party. This difficulty was overcome by the recommendation of the committee, that the Speaker should nominate only the assessors, but, that the House should be empowered to reject or confirm his appointment. As, however, the right hon. Baronet gave the Committee of Selection large powers, why should they not be qualified to name permanent assessors? The House would, he thought, generally adopt the opinion of such an authorized body; or if they overrode their decision, it would only be in the case where they evidently acted from unfair and partial feelings. The right hon. Baronet's plan was useful as far as it went; but unless they secured an uniformity of decision, and appointed a tribunal of appeal from the revising barristers' court, which would adjudicate finally upon votes before they came to be a matter of interest with that House, they could effect very few useful alterations. There was one part of the right hon. Gentleman's proposition which he omitted to notice. He understood the right hon. Baronet to say, that as there were many eminent lawyers in the House, each committee might have the advantage of the advice of one. Now, in the first place they were not sufficiently numerous to admit of each committee being guided by one; and in the next place, if they were reserved for those committees only which had difficult questions submitted to them, they would have imposed on them additional labour, which would drive them from the House. It was true, that if lawyers of great practice entered that House, they were bound to take a fair share of the duties imposed on other Members. But the right hon. Baronet picked them out for extraordinary exertion solely on account of their eminence. And after all this plan would not provide for permanency in the decisions; because the eminent lawyer who directed the proceedings of one committee would have no control over another; and the only difference from the present proceedings would be to give birth to more sublimated crotchets than those which now confounded the minds of the unlearned. Now, provided they had permanent assessors, their decisions would be uniform, take them from what class they might. The clauses which he meant to submit were, with few exceptions, similar to those which were embodied in his bill of last Session. The hon. and learned Member concluded by moving, that it be an instruction to the committee:—"To provide for the appointment of permanent assessors to election committees; and for the establishment of a court of appeal from the revising barristers, composed of those assessors."

Mr. *Greene* seconded the motion. He perfectly agreed with the hon. and learned Member for Liskeard in thinking that something of this description was absolutely necessary, because everybody who had ever sat upon an election committee must recollect the feeling of pain with which he had found himself called upon to decide a point of law, he himself knowing nothing whatever of law. It had been his fortune, he supposed, because committees were struck upon the principle of knocking the brains out, to be called upon to serve upon election committees, and he had felt the difficulty of deciding upon a point of law so strongly, that he had gone to his attorney, had a case stated for counsel's opinion, and had a consultation that night, in order to know what was the proper course to adopt. He did, in fact, what he would have done in his own private business—he got the best opinion he could, in order to guide his judgment. In one of these cases there was a difference of opinion between the counsel, and very eminent counsel the men were who were consulted. He was, therefore, convinced that it was extremely desirable to devise some means by which the law might be made definite and certain. The only way in which that could be done was by the decision of a court of justice. At present, with respect to all the legal questions which had arisen upon the construction of the Reform Bill, there was no rule by which a committee could decide, because the decision of committee A was as good as the decision of committee B, for aught he knew, and they were directly at variance. He believed that if they had the same assessors constantly sitting, although they might not be of the very highest rank in the profession, something like uniformity of decision would be secured, and under these circumstances he begged leave to second the motion.

Mr. *Childers* was not in the habit of frequently addressing the House, and, therefore, he trusted that he should meet with some indulgence while he offered a few observations for its consideration. He should feel himself obliged to divide against the motion of the hon. and learned

Member for Liskeard, but he thought that the instruction which he intended himself to move would very nearly meet the views of the hon. and learned Member. The point to be ascertained was, whether they could obtain a permanent chairman amongst the Members of the House for each election committee, who would give it satisfaction. He thought that possible. He thought that six members of the House might be found who would be competent to act in that capacity. The plan, then, that he would suggest would be this: as soon as a new Parliament assembled, the chairman of ways and means should obtain in writing from each Member of Parliament the names of six Members who might, in his opinion, be the most fit to act as chairmen of election committees during that Parliament. The chairman of ways and means would then within fourteen days have to present to the Speaker a list containing the names of twelve Members who had the most votes. Out of these twelve the Speaker would appoint six to be chairmen of committees for that Parliament. If, however, there was an undue preponderance of Members of one political party in the House, the Speaker would have the power to return the lists, and order new lists to be prepared; and if there was the same objection to these, he would be authorized to form a list himself from the original lists as sent in by the Members, such list, however, to be subject to the approval of the House, and no Member to be inserted in it who had not at least fifty votes. The committee having been appointed, the Speaker would draw out of a glass a name out of the list of chairmen, and so on each committee being appointed, until all the chairmen had been drawn; after which they should be chairmen of the committees in rotation. The six chairmen, with the chairman of ways and means, would be a committee for the regulation of the trial of election petitions, of which committee the chairman of ways and means would be the standing chairman. This was the plan which he had to submit to the House.

Sir *Robert Peel*, notwithstanding all that had been stated, still felt it advisable to adhere to the precept he had laid down at an early period of the evening, and should, therefore, confine his argument strictly to the question before the House. It might be exceedingly advisable to have a committee of appeal from the decision of the revising barristers. The establishment of such a committee might be a great advantage, and a great improvement in his bill; he might agree with the hon. Member for Liskeard as to the benefits which would result from such a court of appeal; but it was not necessary that he should enter into the discussion of that proposition upon the present occasion; it was quite possible to have such a court of appeal without acceding to the hon. Gentleman's resolution. He had a strong objection to the form of the proceeding adopted by the hon. Gentleman; but he would not now say more with respect to it than that he had great doubt as to the success of it. It was a very easy way to escape from the necessity of bringing forward a plan (the whole result of which must consist in its particular details), by asking the House to affirm a resolution in favour of a certain proposition. If the hon. Gentleman had submitted his plan in committee, he would have been compelled to describe the whole of the details by which he proposed to carry it into execution, and would thus have enabled the House to judge of its real merits: or, if he had proposed to bring in a bill in the ordinary mode of proceeding, where great legislative changes were contemplated, an opportunity would have been afforded for the description of it in a variety of stages; as, for instance, on the motion for the introduction, upon the second reading, in Committee, and again upon the third reading. These were the ordinary and more convenient courses of proceeding. But if the hon. Gentleman should obtain the assent of the House to a simple resolution, declaring that it was right that certain things should be done, without encumbering himself with the details by which those certain things were to be effected—if by this means he succeeded in shifting the responsibility of carrying out the proposition from his own shoulders to the shoulders of the House—it appeared to him that he would be establishing a very embarrassing system of legislation. He must therefore repeat the objection which he stated to the hon. Gentleman in the first instance, namely, that however desirable it might be that certain permanent officers should be appointed to assist the House in the performance of its duty, and however much disposed he might be inclined to accede to such a proposition, the hon. Gentleman was nevertheless bound, before he asked his assent to it, to explain the details by which he proposed to carry it into execution. He could not think, that the House of Commons would, without further information, without knowing the exact number of these officers, and the precise amount of salary to be paid to them, affirm the proposition, that permanent assessors should be appointed. The hon. Gentleman, although not prepared with a clause, professed in some degree to go into detail, and with respect to the assessors, said he would propose that their number should be three. But how, without a more mature consideration than the discussion of this resolution could possibly afford, could the House determine, if assessors were to be appointed at all, that three would be the right number? One of the great difficulties in the way of the appointment of any number of assessors was this, that in the Session immediately succeeding a general election, they would have abundant duties to perform; whereas, in all the following Sessions of the same Parliament, they would have very little to engage their attention. This difficulty was in no way combated by the hon. Gentleman's proposition. By that proposition, the House was called upon to resolve that permanent officers should be appointed for the performance of certain duties, which certain duties would very rarely be required from them, except in the first Session after a general election. In all subsequent Sessions these officers would remain without any employment. In the first Session after a general election, there might possibly be twenty election committees; but in succeeding Sessions, the number would not, probably, exceed four or five. How, then, was the staff of assessors to be determined? Was it to be in proportion to the duties of the first year, or in proportion only to the inferior duties of succeeding years? The hon. Gentleman said, that he would find other duties for these assessors to perform. Then he begged to know distinctly what those duties were to be? The hon. Gentleman had not given the slightest indication of the mode in which he would provide for the excess of labour in the first Session, nor of the mode in which he would find employment for them when that Session came to a termination. He thought it would be admitted that it was necessary to proceed with the utmost rapidity in the adjudication of election matters. When the right to a seat was disputed or denied, it was of the utmost importance that the decision with respect to it should be made with the greatest dispatch. The hon. Gentleman proposed to have three assessors. In March, 1838, there were eight Election committees sitting, and on an average of the whole of that month, there were never less than seven Election committees engaged in the prosecution of their inquiries. Was it unfair then, before he acceded to the hon. Gentleman's proposition, to ask how his three assessors would deal with seven committees sitting at the same time; and how, in subsequent years, they were to be employed, when no committees were sitting at all. If it were said, that the three permanent assessors should have extra aid in the first year after a general election, how was that aid to be afforded? Were the assessors to appoint deputies? If so, it might happen that the deputy would have more important duties to perform than the assessor himself. The Attorney-general, and the hon. and learned Member for Exeter (Sir William Follett) might be upon the same committee; a grave and unexpected point of law might arise, upon which these two eminent authorities might entertain different opinions, and the deputy would have to decide between them. What a situation would that be for any but the very highest legal authority to be placed in. He begged it to be understood, that he was not objecting to the hon. Gentleman's plan; he merely wished to be placed in possession of the whole of the details, by which it was proposed to be carried into execution, before he was required to give his assent to its principle. If the points of law ordinarily submitted to election committees were such that any Member may become master of them in six months, as the hon. Member for Liskeard had asserted, it was still impossible to know how many Gentlemen would apply themselves to the acquirement of that branch of knowledge, and still more impossible to calculate how many of the number who had so applied themselves would be ballotted upon the committees where their services would be valuable. He did not think it would be fair to call upon the professional Members of the House to perform a greater share of duty than those who did not belong to the profession; although he had always been strongly of opinion, that if men of eminence in the profession undertook the duty of Members of Parliament, they had a perfect right to call upon them for the performance of the ordinary duties of the House. For that reason he had always thought it exceedingly unfair that members of the bar should absent themselves from the House when a ballot took place, upon the plea of having professional duties to perform elsewhere. If they came voluntarily into Parliament, the House, in his opinion, was perfectly entitled to call upon them to serve on any one of those committees upon which the chances of the ballot might throw them. The hon. Gentleman's sole argument was this—that he would insure uniformity of decision, by having permanent assessors. It was true that he might insure uniformity of decisions amongst revising barristers; but as there was to be no court of appeal from the judgment of election committees, how was uniformity of decision to be insured amongst the six or seven Gentlemen who might preside over these committees. Supposing Members of the profession sitting upon different committees conscientiously differed upon points of law, what security was there that these committees would not come to totally different decisions? If there were an appeal from the election committees to the permanent assessors, there might be uniformity of decision, but the hon. Gentleman proposed no such thing—he merely proposed an appeal from the revising barristers to the assessors. The question really turned upon this: whether certain rules or laws were applicable to certain facts in all cases. He would take one instance. In the case of the Drogheda Election committee, a point of law arose which might never occur again.

Mr. *O'Connell:* A similar point of law arose upon the Belfast committee.

Sir *Robert Peel:* Were the facts the same?

Mr. *O'Connell:* The same.

Sir *Robert Peel* could not help thinking that there was frequently such a slight variation of facts as to leave it open to doubt whether the same law, though admitted in principle, would be exactly applicable. The slightest variation of facts, oftentimes altered the whole application of the law. Take the case of Mr. Wilberforce, in the instance of the Hull election last year. A question was raised as to the validity of that gentleman's qualification. Men of the highest integrity, conscientiously differed upon that point. He did not see, therefore, how, upon points of this kind, the appointment of assessors in the manner proposed by the hon. Member for Liskeard, would insure perfectly uniform, and perfectly satisfactory, decisions. If they could get rid of the influence of party feeling on election committees, he had a strong conviction that the number of election petitions would diminish. He thought much depended upon that. He thought when the proper time arrived, he should be able to show that the complexion of the Lords' committees, although composed of exactly the same materials, had been entirely altered, merely by selecting from the whole body of that House a few Members, investing them with a judicial character, and making them responsible. The Commons' committee upon private Bills had been attended with similar results. He hoped the House would recollect that what he proposed was merely a temporary measure. He proposed only the suspension of the existing law for a certain time. He gave no decision against the proposal of the hon. Member for Liskeard. That proposal might at any time be engrafted upon his bill. But he earnestly entreated the House not to come suddenly to a determination upon the point. He entreated them to consider the whole question raised by the hon. Member for Liskeard, and not to be led away by any part of it. He asked them in common prudence, before they assented to it, to look upon it as a whole—to look at the number of assessors, the duties they would have to perform, the mode of their removal and the mode of supplying their places in cases of sickness, and the whole tenure and nature of the office itself. He entreated the House not in this instance to depart from its ordinary mode of proceeding, but to enter unshackled and unfettered into the consideration of the Bill in committee.

Mr. *Rich* adverted to the amendment he proposed to move in the event of Mr. C. Buller's suggestion being adopted by the House. He proposed to have three assessors, to whom all disputed questions before election committees, should be submitted in writing; that the assessors should give a distinct opinion thereupon separately or unanimously, also in writing; that the opinion so received, should be sent back to the chairman of the committee; that the chairman should read it publicly; that it should then be entered fully and entirely on the proceedings of the committee, and that then, and not till then, the committee should have power to re-consider and modify their opinion. The proposition of the right hon. Baronet provided no security against the decision of a bad committee. Although the number of such committees might be few, yet the occurrence of error without a remedy, would be fatal to the general effect of the measure. For this reason he hoped the House would listen to the arguments of the hon. Member for Liskeard, and consent to the appointment of assessors. The legal knowledge of the assessors would have its weight, not only with the House, but with all election committees, and would lead to wiser and more clear proceedings, and to more just results. An evil-disposed committee might refuse to attend to the suggestions or opinions of one assessor; but if a disputed point were referred not to one assessor, but to a Court of Assessors, he thought that even the most wrong-headed committee would pause before they resisted the opinion of such a body. If they were to act in opposition to the written opinion of the court of assessors, that opinion would become a permanent record against them. By this means that uniformity of decision which the right hon. Baronet said, could not be obtained, would, he thought, be secured. By the establishment of a court of assessors, the House would secure the following advantages—first, protection to the opinions of a minority; second, uniformity of proceeding; third, the prevention of evil decisions growing into evil precedents, and fourth, uniformity of decision amongst the assessors themselves. He trusted, therefore, that the House would pause before it rejected the proposition of appointing assessors.

Mr. *Warburton* thought, that the great objection to the plan of the right hon. Baronet (Sir R. Peel) was, that he had taken no means to secure uniformity of decisions. When the right hon, Baronet talked of seven or eight election committees, sitting at the same time, he forgot how much uniformity of decision would tend to diminish the number of such committees. He thought that his hon. Friend (Mr. C. Buller) in making the Court of Appeal and the Court of Assessors consist of the same individuals, was adopting a very obvious and reasonable expedient for securing uniformity of decision. The right hon. Baronet asked what employment would be given to these gentlemen after the first year succeeding to a general election. If the House would only adhere to the principle it once recognised, that there should be a system of registration of Parliamentary voters extending throughout the whole year, sufficient occupation would be given to the assessors to determine the appeals, which would be constantly made to them from the revising barristers.

Lord *J. Russell* was understood to say,—If I am positively obliged to state my opinion as to whether or not the assessors proposed in the instruction should be appointed, I must pronounce it in favour of the proposition and their appointment. But, notwithstanding this, I feel that there is considerable force in the objection of the right hon. Baronet opposite to the form of the proposition, and that, in consequence, I cannot give it altogether my sanction. When the clauses for the appointment of assessors come before the House in the regular manner, there may be so many difficulties created by the adoption of this proposition, that the committee may feel itself obliged to abandon them altogether. I am very unwilling, therefore, entertaining as I do this opinion, that the House should be committed to any particular course in respect to the question, by the adoption of the hon. Member's instruction to the committee. For if the proposition of my hon. Friend be adopted, the House will be obliged to take means to appoint these assessors in conformity with the instruction to the committee, which would be very inconvenient, to say the least of it, if not unfair. Under these circumstances, I certainly should much rather my hon. Friend would not persist in calling for the opinion of the House on the question of assessors in the present form; but that he should frame clauses to that effect, and propose them for introduction in the Bill in committee, first having them printed, that the House may be enabled to come to a more clear decision on the subject. If he does that, we shall then go into committee with some distinct idea on the question. As I should be very sorry to vote for the proposition of my hon. Friend as it now stands, or to assent to the instruction he proposes in its present form, I hope, therefore, that he will not hesitate to withdraw it.

Sir *J. Graham* was glad to find the noble Lord took such a different and desirable view of the question from his colleagues on his right and left. He was the more gratified with the view taken by the noble Lord, as it would infallibly tend to the safe and effective transaction of the business on hand. If the forms of the House had been strictly adhered to in the onset of that debate, all the discussion which had ensued, would have been avoided. It was competent to the hon. Member for Liskeard to move clauses appointing these assessors in the committee; but it was also necessary that he should detail his whole plan in doing so. Not to have done this, was the defect of the hon. Member's present proposition. He rejoiced that the high authority of the noble Lord opposite, had been added to that of the Speaker on the question at issue; and he trusted, that the conjunct opposition they gave it, would prove a salutary lesson to the House in regard to the necessity of maintaining all existing forms in its proceedings.

Mr. *C. Buller* certainly was not aware of all the objections which the ingenuity of the right hon. Baronet would raise against his proposition. He now perceived that the House must have the whole details of his plan before it prior to a satisfactory discussion of it. He was not sorry, however, that he had been the means of raising this preliminary debate. He trusted that the House would allow him to press the latter part of the amendment, otherwise he should feel himself under the unpleasant necessity of submitting the same proposition again. He begged, then, to move that the committee have power to provide for the establishment of a court of appeal from the revising barristers.

Motion agreed to; original motion that the House resolve itself into committee again put.

Mr. *S. O'Brien* rose to move an amendment: he said, that as there would be no other opportunity afforded to those who, like himself, objected altogether to the measure, he trusted the House would allow him to offer a few observations in objection to the general principle of thebill. That principle was the substitution of selection instead of chance in the formation of a committee. In his opinion the plan proposed would only have the effect of aggravating the evils at present complained of. The chief objection to the existing system was the partiality of the tribunal, the want of legal knowledge, the want of uniformity in its decisions, and the great expense and delay incurred in its proceedings. In what manner was it proposed to obviate the first objection? The Speaker was to have the power of nominating a general committee; but after a general election there would always exist too great a spirit of party to admit of the House electing a Speaker who would be able impartially to nominate a general committee. Here, then, at the very threshold of the proposed scheme, the object sought after would be frustrated. The Speaker might select six Gentlemen for the general committee, who, without exposing the Speaker to any particular obloquy out of doors, might have the power to give a complete party character to all the decisions of the special committees to be nominated by them. He would suppose the case of an impartial Speaker, and one who had every disposition to do justice, wishing to avoid the imputation or suspicion of partiality, selecting three Gentlemen from each side of the House, to constitute the general committee; well, that committee would have to select a special committee. Now, although the general committee might consist of three Gentlemen of each side of the House—yet, the seventh, the chairman, to be choson by the six, still remained to be nominated. From what side of the House was he to come? Was it not obvious that to whatever party he should happen to belong, by his vote the general committee would have the power of selecting a special committee in accordance with the views of that party? The proposed scheme, therefore, would not insure impartiality, neither would it secure legal competency in the tribunal, nor would the plan of the right hon. Gentleman be the means of obtaining an uniformity in the decisions of the committees. It would still leave it open, as at present, to the committees, to give different decisions upon the same question. He could not help thinking that the plan which he himself proposed last year, would have obtained all the objects required—an impartial tribunal, competent legal knowledge, uniformity of decision, and a great diminution of expense and delay. The House, however, having determined to retain to itself the determination of these questions, by referring them to a tribunal, consisting of Members of Parliament, of course, they had nothing more to do than to consider how they could best carry out that object. There were two projects before the House :—the one, that of the hon. and learned Member for Liskeard, which came before them with the sanction of a select committee of the House; and the other, that proposed by the right hon. baronet, the Member for Tamworth. On comparing the two plans, he could not help thinking, that the right hon. Baronet would have done better to have made, as the basis of legislation, the bill which came to the House recommended by a select committee. With respect to the effect of appointing legal assessors, he was of opinion that it would produce too much, rather than too little, tendency on the part of individual Members to yield to that authority. He should like to see competent persons appointed assessors, who, during those intervals when unemployed on election committees, might be very usefully engaged in codifying and simplifying the laws of the country. He could not allow this bill to go into committee without briefly stating his objections to it, which were all sufficient to convince him, that they had much better remain where they were, than adopt an expedient which was not reform. In this case, the change proposed was not reform; he, therefore, begged to move, as an amendment, "that the House resolve itself into committee this day six months."

Mr. *O'Connell* seconded the amendment, and said, that he objected to the principle of the proposed measure. In the first place, he thought the bill was brought in prematurely; and that a previous question ought to be settled. Before they attempted to amend the tribunal itself, the natural course would be to amend the law as to the matters which were to come before that tribunal. It seemed to him idle to constitute a tribunal, if the law was bad relating to the matters which came before it. By amending the law, they would be better able to decide what the nature of the tribunal ought to be. But while they had a variety of franchises, complicated clauses respecting registration, and the whole of those multitudinous objections which had been made on election committees, referring more particularly to Ireland, all existing, he thought they would be acting like the philosopher in Gulliver's island of Laputa, who erected the roof of his house before he built up the walls, if they proceeded to constitute a tribunal before they determined what the law should be which it would have to administer. His first objection therefore was, that the measure was premature; the next objection he entertained against it, upon principle, was, that it furnished no disinterested legal assistance to the committees; but his great objection to the whole scheme was, that they called upon country Gentlemen to decide upon matters of law. The right hon. Gentleman brought in this bill with the fixed determination to resist the appointment of any legal assessor, still the right hon. Gentleman felt it was necessary that something ought to be done, and he therefore actually suggested that some eminent lawyer should be one of the seven who were to constitute the select committee. But was that the kind of assistance which the committee ought to have? Ought any eminent lawyer to be required to expose himself to the calumnies that might be poured out upon him whenever he decided in favour of his own party? They ought to remember that political lawyers had the greatest prizes within their reach; and that an adverse decision on one single question might prevent a gentleman of that profession becoming Lord Chancellor, or Lord Chief Justice. No doubt it would be very right to take his judgment as a criterion, in so far as he was a lawyer, but they ought not to forget that he was also a man. And was it right, he asked, to place him in such a situation of temptation? His principal objection, however, as he had already stated, was, that according to the provisions of this bill there were not materials to make a proper tribunal to decide the questions that would come before them. The Members of that House were not competent to form such a tribunal. They must go outside of the House to obtain fit materials. It was of no use to talk to him about constitutional principles, when he showed the evils that were at the present moment in operation. No matter what the character of the individuals might be, forming these committees, its Members were open to constant reproach from both sides of the House. The whole system was cried out against as being monstrous. What did that prove? Why, that the materials out of which the committees were composed were objectionable. How happened it so? Because they were all interested parties; they were partizans on both sides of the House. Therefore it was, that having that bias on their minds, they ought not to be placed in such a state of temptation, as that of having on the one hand an oath administered to them to do justice, and on the other, the feelings of partizans tempting them to augment their own numbers, and to diminish those of the opposite side. How were they to apply a remedy? The right hon. Baronet proposed to give the power of decision to the same individuals as had been declared unfit to form such a tribunal; the only difference was to be in the mode of selection. Chance might be fair and just; at any rate, it could make no impartialities; but he impugned the bill of the right hon. Baronet because it gave rise to partialities. He would not refer to the present Speaker, for to praise him would be unseemly—blame him he could not; but the Chair had not been always thus filled. The highest officer in that House ought to be free from partiality, and they should not give him any temptation to be otherwise. Suppose he should be impartial, and yet subject to that infirmity of little minds, of fearing to be thought to favour his own party, and thus becoming partial against his own friends; and they ought not to place the Speaker of that House in such a situation. By the right hon. Baronet's bill they would compel the Speaker to make a choice, and then the House was to challenge it. They could not attempt to do this without setting out with an impeachment of the integrity of the Speaker, and entering into an indecent squabble between the Speaker on the one hand and the House on the other. It would be a pleasant scene for each individual of the six named to have every vote he had ever given, and perhaps every action of his life, canvassed in the House. The right hon. Baronet's bill opened all that. Then there were not to be any oaths. The complaint now was, that the tribunal was partial when they had oaths, and yet they were to take the members of the new tribunal on their honour alone. Would the members of the new committee have less interest in the issue? Were they to be unanimous in the selection of the seventh member? If they were to divide three and three, they could make no selection, and would have to come to the House. Then it was proposed that they should have panels, and that the different committees should be taken from separate panels; but what check would this give to partizanship? Then there was to be the remedy of challenging the seventh, and there would be again a squabble something worse than the former. There would be unseemly personal conflicts in every stage. And what was the reason? That they had too much personal interest. It was said of jurors, that they should stand indifferent as they stood unsworn; but would any one say of the Members at the Table, that they stood indifferent as they stood unsworn? Why, any twenty Gentlemen in that House, as any twenty gentlemen out of the House, would be swayed by their passions and their interests. They ought to find a tribunal out of that House. Let them superintend its proceedings—let them watch it—let there be a trial in the presence of a committee appointed by themselves, and then let this committee report their proceedings to the House. They were told that jurors would be inflamed, and that they would become partizans; but the same was the case with the present tribunal. This was not his (Mr. O'Connell's) calumny—it was shown upon their own confession that they could not do justice; it was shown by the Members that thronged both sides of the House on the occasion of a ballot—it was shown in the excitement of the party that gained seven Members to four; it was stated in the newspapers—it was proclaimed trumpet-tongued throughout the land — the very bill before them proclaimed it; and to meet these evils, let them not swear to act impartially, when they knew that bias would drive them to do the contrary. He therefore hoped that the House would hesitate before they went on with this bill, without taking the preliminary step of bringing in a measure by which the matters to be tried should be defined by a distinct bill, and till such a step had been taken, no measure of this kind should be tolerated.

Lord *Villiers* defended the conduct of the Committee in the Belfast case, and declared, that every opportunity was afforded to the sitting Members to impugn the petitioner's qualification.

Mr. *E. Tennent* said, that as he had been directly alluded to by the hon. and learned Member for Dublin, he was anxious to offer the earliest reply to his observations. He had felt on the occasion of the late Committee which had sat upon his election, the annoyance which any Gentleman must feel of having his private transactions dragged before a public tribunal, but, above all, the annoyance of having them most wantonly misrepresented. From an anxiety to do away with these misrepresentations, he had given a notice of his intention to move for the printing and publication of the entire evidence taken before the Belfast committee, which would have been the only triumphant answer; but the Speaker would attest for him that it was only an intimation from him (the Speaker) that, unless he meant to ground a legislative motion upon it, the House, consistently with the regulations of the committee on printed notices, could not accede to that motion, on which he of course withdrew it. It was notorious, that had it not been for the technicalities by which the law of qualifications was then beset in Ireland, but which were now altogether removed, and which required either a fee simple or a freehold estate for life of the Member himself, rejecting his interest in estates for other lives, no question could ever have been raised, either as to his own qualification, or that of his hon. Friend and Colleague. And what was the fact as to the particular point selected by the hon. and learned Member for Dublin, who stated, that he (Mr. E. Tennent) had, three days before the election, granted to his own agent a lease of lands, producing but 30*l.*, at a rent of 150*l.*? So far from the lands producing but 30*l.*, they produced nearer 90*l.* So far from the lease being arranged three days before the Committee sat, it was proved in evidence, that it had been promised three years before; and so far from its being for 150*l.*, it was for 200*l.* a year, and he had very recently signed the receipt for the last half years' rent, and the property, at the expiration of the present lives, would so far increase in value above the sum paid under the present lease, that his tenant was actually making roads through the property, and preparing it for building and other improvements. As the charge of the hon. and learned Gentleman went to affect his personal integrity, he trusted he had afforded to the House an ample refutal of it.

Sir *Walter James* concurred in the propriety of the Bill, though he thought, that it might be extended so as to include the decisions on the rejection of the lists from imperfect headings, as had occurred in the Hull case, and to regulate the order in which the allegations in a petition, especially with reference to bribery, should be proceeded with. The enormous evils of the present system were well pointed out in a pamphlet published by an hon. Friend of his, his late colleague, who showed, that in the Hull Committee, where the numbers were eight to three, the decisions were as seventy in favour of the majority, to thirteen for the opposite party; and that, in the Roxburgh case, twenty-seven decisions were given for the majority, and only four in favour of the petitioner. Whether they took Conservatives, Whigs, or Radicals, mixed or alone, they could expect nothing under the present system but unjust and party decisions.

Sir *George Strickland* said, in reference to the few observations of the hon. Member opposite, he could not coincide with him that the law should be cleared up before they could, by any Act, establish a satisfactory election committee. The hon. Member proposed first to clear up the law, and then to establish a general tribunal; but, in his opinion, the other mode would be more satisfactory; for he thought, that if they established a tribunal which would give uniform decisions without going into the law, there was no doubt the law itself would be soon brought to a satisfactory state. The observations of the hon. Baronet who had just sat down had been made in a fair and conciliatory spirit, though possibly this might be partly attributed to the fact, that the hon. Baronet had been himself seated by the decisions of the Committee to which he had referred. As to the heading question of the lists, as it seemed likely to mislead the parties, he had considered the defect important, and had rejected one list, but the hon. Baronet had forgotten that another list, which had a like defect, had been also rejected, and that this told in favour of himself. The second decision on a similar point was, therefore, in favour of the other party, and it was in perfect consistency with the principle of the first decision. In the opinion (continued the hon. Baronet) which the hon. and gallant Baronet opposite (Sir H. Hardinge) has expressed relative to that Committee, he has shown such ignorance, and such a want of common sense, that he, at least, is perfectly disqualified from ever sitting in any judicial capacity. I think, Sir, that if the right hon. and gallant Baronet by his cheering the hon. and learned Member for Dublin means to impute any dishonourable motive to myself as to my conduct on that Committee, I have a right to demand an explanation from him in this particular. Although my own impression is that he, in some degree, qualified his observations by saying, that he would not impute to me any direct corruption, and that he could not look into a man's heart, yet if the right hon. and gallant Baronet should be named on any committee, I shall protest against his sitting upon it. And I feel that I have a right to say that, as he has imputed dishonourable conduct to me, I have a right to require an explanation from the right hon. and gallant Baronet of the expressions which he has used.

Mr. Sergeant *Wilde* said, that it had been suggested that this bill would not be effective; and next, that it was out of time. It was impossible for any Parliamentary jurisdiction to be made perfect; but after the condemnation that had been passed on the present tribunals, it was their imperative duty to supply a remedy. It had been suggested, that the remedy for the defects of that system must be sought for, not in that House, but out of that House. Now, he considered it to be absolutely necessary, that the House should always preserve its jurisdiction over the elective franchise, by which it was itself constituted. That was an inheritance which they had received from their ancestors, somewhat impaired, but which it was their bounden duty to protect from further injury. When the hon. and learned Member for Dublin proposed, that the jurisdiction over election petitions should be fixed out of the House, he had forgotten his usual circumspection, and had not considered what sort of a tribunal he would be erecting in lieu of the present. How long was the jury to sit on that tribunal? How long were tradesmen to be dragged from their ordinary avocations to act on such a jury? How were other causes to be disposed of in Westminster-hall whilst the election petitions were under consideration? Was he prepared to submit the witnesses in support of election petitions to all the rules of evidence at common law, and to neglect all the Parliamentary law on that point? One good objection to any law was enough; and the objection to the hon. and learned Member's proposed law only was, that in operation it would be found impossible. He admitted, that it was possible to bring persons paid for such a duty into the House to decide on these questions; but, he believed, that they had as much intelligence and integrity in that House as could be found out of it, and that it was a mistake to suppose that party feelings and political prejudices were confined within the doors of that House. They would have the same passions in the tribunals selected out of the House as they now found in the tribunals appointed within the House. But it was said, that the jurisdiction could not remain in its present position. If so, the question to be considered was simply this:—"Is this bill of such a shape as to deserve the consideration of this committee?" Some persons seemed to imagine, that certainty and uniformity of decision would be obtained by referring election petitions to a legal tribunal. But Westminster-hall had been in existence some centuries, and it might have been expected, that certainty of decision would, by this time, have been attained in some department of law. He was, however, afraid that there was not one department which was not the subject of many doubts, and, he apprehended, that it was a mistake to suppose we should ever get rid of the numerous legal doubts attendant upon a branch of law so intricate as that of contested elections. Those doubts were, by no means, the only or the chief causes of the want of uniformity in the decisions of election committees, and the bill of the right hon. Baronet, the Member for Tamworth, was calculated to produce such a reasonableness in the decisions, that the object of certainty would, in a great measure, be attained; for, after all, the great reason of the uncertainty which at present prevailed, was the speculation upon the political bias of the members of the committees. The sole question, then, appeared to be whether the bill, which was now only tendered to the House as an experiment, presented a reasonable prospect of being successful, or, at all events, whether, with such alterations as it would be competent for any hon. Member to propose in committee it did not present such a prospect. For instance, what was there to prevent any hon. Member, if he thought proper, from proposing the appointment of permanent chairmen of the select committees, who should be Members of that House? If such a proposal were adopted, the Gentlemen who would be appointed to fill those situations would, no doubt, communicate with one another on every great question of election law as it came before them, it would become the subject of discussion among them, and this would tend very much to procure an uniform series of decisions.

These hon. Members would, in reality, under another name, be the assessors who were proposed to be established by some hon. Members. He repeated, that the only question was, whether upon a subject upon which the House must legislate as one, in its present condition, full of uncertainty and evil, the House ought not to adopt the present bill, so far, at least, as to go into committee upon it. At present, they had committees appointed by chance, and it was quite a mistake to suppose, that the same Members who now composed the committees would act as they now did if they were appointed in a different manner. If, instead of being selected by hazard, the House chose them from a confidence in their integrity, and expressly placed its trust in their impartiality, they would proceed to the fulfilment of their duty with a very different sense of their responsibility, and their decisions would be looked upon in a very different manner. Systems might be varied as much as they pleased, but depend upon it a great deal more depended on the way in which the system was administered, than upon the nature of the system itself. He should, therefore, go into committee upon this bill, because he thought, that with the improvements which might be then made in its provisions, it would procure, if not an entirely satisfactory jurisdiction, at all events one which afforded a more reasonable chance of success than any which had been hitherto proposed.

Mr. *Langdale* would not have risen had it not been for the very strong observations that had been used by the right hon. and gallant Officer opposite (Sir H. Hardinge) in regard to the conduct of his hon. Friend, the Member for Yorkshire. He had not been present at the time when the hon. and gallant Officer had used the language in question, but he understood it was of the strongest nature. He wished, therefore, to ask the right hon. and gallant Officer whether it was to be understood, that he meant to impute dishonourable motives to his hon. Friend. It was to ask for that explanation that he rose on that occasion, and to state, that he looked for an explanation from the hon. and gallant Officer. —[No answer was made to this appeal.]

Viscount *Mahon* would confine his observations to a very few words. He adhered to the opinion which he had expressed fully on a previous occasion, that the House never would dispense substantial justice on this trial of controverted elections, until they parted with their present jurisdiction. But the House, having decided against that opinion, he did not mean to offer any obstacles to the bill of the right hon. Baronet. He was anxious to see it fairly discussed, and thought it incumbent on those who maintained with him that the House should depart from its jurisdiction to give the experimental bill then before them every assistance, and to do their utmost to make it perfect. With this view, therefore, if the hon. Member for Limerick should press his amendment, he should vote against it.

Sir *Robert Peel* wished to make a few observations on the principal speech by which this bill had been opposed—that of the hon. and learned Member for Dublin. The bill proceeded on the assumption, that the great majority of the House was in favour of trying any experiment that presented a rational hope of success before parting with the jurisdiction over contested elections which they had so long possessed. That question, he thought, had been disposed of the other night, when his noble Friend, having taken the sense of the House on the question whether they should abandon their jurisdiction or not, a decision in the negative had been passed by a majority of nearly three to one. The question then was, if the present jurisdiction were to be retained, whether it should be retained in its present form. He (Sir R. Peel) proposed to retain the present jurisdiction in the hands of the House, substituting the principle of selection for chance. The bill might be very defective in its provisions, but such frivolous objections as had been urged against it by the hon. and learned Gentleman it had never been his lot to hear. The first point noticeable in these objections was, that because you had not defined the law, therefore you must not improve the jurisdiction. But the question of jurisdiction was perfectly distinct from the question of law. Whether the law were allowed to continue in its present defective state or were improved, surely no one could doubt that the better the tribunal was which administered that perfect or imperfect law, the greater was the chance of justice. If he had proposed to amend the law and leave the jurisdiction as it was, the hon. and learned Gentleman would have been the first man to attack this course, and would certainly have argued against it with greater force than he had now done against his (Sir R. Peel's) proposal to improve the tribunal. The hon. and learned Member had spoken of the defects of the present system, had complained of the custom of issuing notices, of inviting members to attend, of meeting in strong musters of the various parties, and of the cheers of triumph which greeted the predominance of either in the composition of the Committee. He meant to remove all these evils by his plan, but the hon. and learned Member proposed, that all existing evils should be retained, that the summonses, the party meetings, and the party cheers of triumph, should continue unaltered, till the House had made up their minds to change the existing law of elections. Why, suppose a motion were made to alter the law as to opening the Irish registry. He thought, the House would hardly agree to a proposal of that kind; and yet the hon. and learned Member would have them retain the present faulty tribunal, until their minds were made up on all the litigated questions of election law. The hon. and learned Member's objections might have been made in committee, and the hon. Member would have seen that if he had read the bill; but the hon. Member had not read the bill, and proceeded to condemn the measure, on the second reading, on a totally erroneous assumption of what it contained. The first objection was one which, if really applicable to the bill, might easily have been obviated in committee: that was, that the committee of six appointed by the Speaker, were not to take an oath. If that objection really lay against the bill, he would have been surprised that it should be pressed by the hon. and learned Gentleman, whom, only three weeks ago, he had heard pronouncing it absurd to attach any sanctity to an oath that did not belong to an assertion, and asking how, if a man were disbelieved on his word, he could possibly be believed on his oath. The objection came, therefore, rather oddly from the hon. and learned Gentleman. But it was totally inapplicable to the bill, for, by the 31st Clause, it was provided, that after the committee are met, and come into the place appointed by the Speaker, no member appointed to be of the general committee of selection shall act on such committee until he shall have been sworn at the table of the House by the clerk truly and faithfully to perform the duties belonging to a member of the said committee without fear or favour, to the best of his judgment. He thought, this was a tolerably satisfactory answer to the objection, and conclusively showed that no such enormity as was apprehended by the hon. and learned Member could be charged against the bill. The hon. and learned Gentleman next objected, that the committee of selection might be challenged, and that a contest might take place at the first stage in the nomination of the Speaker. He (Sir R. Peel) did not agree that there was any such necessity. If the principle of selection were to be adopted, then they must determine the authority who was to select. If they lodged that power in the hands of Government, there would be no selection at all; they could not leave it to the blind determination of chance. The best course, therefore, evidently was, to intrust it to some party of members who, from their own character, and from the equal balance of political opinion preserved among them, might have as great a claim on public confidence as the committee could have. He was quite certain, that the last thing thought of by any Speaker would be the injustice of attempting to gain some advantage to his own party, by abusing the power of nomination intrusted by the bill. However strong might be the party opinions of any Speaker, still an individual filling that office had a much greater interest in maintaining his own character in the eyes of the world, by making the best nomination in his power, than he could have in perverting the exercise of the power for a petty contingent advantage to his party. He would advise those hon. Gentlemen who dreaded the abuse of the power of nomination by the Speaker, to consider how little security there would be against the prevalence of party feeling among the assessors or jurors of any tribunal out of the House. The judges themselves would not give entire satisfaction; for he had heard louder complaints against partisan judges than he was certain he ever should hear against a committee chosen as he proposed. But then it was said, why give the power of appeal, or the nomination from the Speaker to the House? Because, if the uncontrolled power of nomination were vested in the Speaker, there would be constant complaints that he was inaccessible to public opinion, that the wishes of the House had no hold on him. He was perfectly confident, that the House would not seek, on light grounds, to disturb the nomination of the Speaker; and he was also quite certain, that any Members of that House, nominated by him to a highly honourable and important trust, would discharge its duties with conscientious integrity, whether under the obligation of an oath or not. The hon. and learned Gentleman had also objected, that an unseemly contest might take place regarding the proceedings of general committees, from the right of challenging the members chosen by them. The fact was, that there was no such unlimited right of challenge. The hon. and learned Gentleman could not, as he had said he would, challenge his right hon. Friend near him, nor could his right hon. Friend challenge the hon. Gentleman; there would be no such opportunity. The cases in which the right of challenge existed were distinctly specified—those of members who had voted at the election, or were related to the petitioning or sitting Member. He had now, he thought, disposed of the hon. Member's objections. The main question was, whether the materials from which a committee was to be chosen, being defective, any change in the mode of selecting those materials would give the country a better guarantee of justice. He (Sir R. Peel) was disposed, arguing *a priori* and from experience, to answer in the affirmative. Take away the excitement and heat of party contests—take the nomination of the committee away from a passionate assembly, and they would entirely alter the character of the tribunal, even if constituted of the very same men who were to compose it in the other case. When he had proposed this mode of selection he was not aware that the House of Lords had adopted a similar principle in the selection of private committees. Two years ago the private committees of the House of Lords were quite as unsatisfactory to the public and to parties whose interests were affected by their decisions as the election committees or private committees of the House of Commons were at that moment. The same practice of canvassing the opinions of the members of the committees prevailed, and produced similar discontent. They were judicial bodies who disregarded the maxims of judicial conduct. A different principle was adopted: a committee of selection was appointed, and invested with the power of selecting those who were to form the various committees. He would read an extract from the evidence given before the committee on this subject, which forcibly pointed out the evils of the system and the beneficial consequences of the change made. "Previous to the new constitution of committees of the House of Lords, did the same abuses prevail there which you have described as prevailing in committees of the House of Commons?" Answer, "The same exactly." The witness was then asked, whether or not parties whose interests were adjudicated on by those committees were now satisfied, and said, that they were entirely satisfied. That evidence was given last year. It would be still more satisfactory to refer the testimony of parties principally concerned as to the impression made by the improved selection of the committee during the present Session. One Gentleman, an agent of extensive experience, wrote thus to him:—

> "I have no hesitation in giving it as my opinion, that the new system adopted by the House of Lords in the last Session, of referring opposed bills to a committee of five peers, has worked extremely well. The selections have been made with strict impartiality, and the committees have given great attention to the cases severally produced before them, and I think have dealt out substantial justice. I give this opinion deliberately and after full consideration, and I may add, that I do so notwithstanding the greater number of cases of this description in which I was concerned were decided against me."

He had letters from two other agents, stating, that the measure of investing the committee with a judicial character, and the responsibility belonging to it, had given universal satisfaction. He was justified, therefore, in anticipating the most beneficial effects from an alteration in the mode of constituting the tribunal. When he saw that there were no less than twenty-six professional men in that House, eminently qualified to investigate the most difficult points of the law, and many others so competent to aid in the deliberations of a committee, he could not doubt, that if the principle of selection were adopted and fairly acted upon, the character of the election committees would be raised far beyond the point at which it now stood. They would no longer be subjected to the charges now brought against them, for they would feel that they were acting judicially. The character of the House would be raised by showing, that they were not unfitted to exercise a jurisdiction that had belonged to them from the earliest period. At least, the experiment should be made before a most important change in the constitution of the House was effected, by transferring to other hands the valuable right of determining their own Members.

The right hon. Baronet concluded by saying, that he feared the kindness of the noble Lord opposite, in joining him that night, had been somewhat tried by the length of the discussion, but he would, nevertheless, look forward to the same assistance in enabling him on another night to proceed with the bill.

Amendment negatived.

The House resolved itself into Committee on the Bill.

The Clauses up to Clause 22 (inclusive) were agreed to, with some verbal amendments.

House resumed. Committee to sit again.

HOUSE OF LORDS,

Monday, April 29, 1839.

MINUTES.] Bills. Read a second time:—Designs Copyright; Designs Copyright Extension; Bishops' Residences; Church Disciplins.

Petitions presented. By the Duke of RICHMOND, the Earl of BANDON, and Lords BROUGHAM, GLENELG, and PORTMAN, from a great number of places, for a Uniform Penny Postage.—By the Marquess of BREADALBANE, from several places, against any further Grant to the Scotch Church.—By the Earl of HARRINGTON, and the Bishop of LLANDAFF, from two places, for Church Extension in Scotland.—By the Earl of RIPON, from one place, for Church Extension in Canada; and from Leeds, against forwarding Letters through the Post on the Sabbath.—By the Earl of HARDWICKE, from Wisbeach, against Beer Shops.—By the Earl of BANDON, from the County of Cork, against the Establishment of any College likely to follow a plan of Instruction not founded on Religious Truth.

MAGISTERIAL DUTIES.] The Earl of *Hardwicke*, on presenting a petition for the amendment of the Sale of Beer Act, observed upon the extreme difficulty which magistrates experienced in the administration of this act, for, with the greatest desire on their part to carry it into effect fairly and impartially, the purposes of justice were frequently defeated. He hoped that the noble and learned Lord, who had given notice of a bill on the subject, would turn his attention to the difficulty he had mentioned, and try, if possible, to afford the magistrates some relief.

Lord *Brougham* said, that everything encouraged him to bring forward the bill in question, but he was prevented by a noble Friend of his in the other House, the Member for South Lancashire, giving notice of a motion which he (Lord Brougham) hoped would have superseded the necessity of his proceeding in the matter. However, he would now say, that on one day next week he would move the second reading of his Bill.

The Earl of *Hardwicke* said, that country gentlemen and magistrates had the greatest difficulty in doing anything with beer houses. He might quote himself as a proof of the way in which a person, desiring to do nothing but strict justice, had been treated. Some time ago a conviction had been made out by him, inflicting certain penalties on a beer-house keeper; but the beer-house keeper brought an action against him on the ground of informality. The judge at Cambridge sent the matter to the courts above, where he was cast, and costs to a considerable amount given against him, although he had understood the superior courts always dealt very leniently with the mistakes of magistrates.

Lord *Brougham* said, that similar instances were very common, in which the law left now power to the judges of showing indulgence to technical errors of magistrates.

Petition laid on the Table.

SLAVERY IN THE MAURITIUS.] Lord *Brougham* wished to know whether there would be any objection to produce a dispatch from his noble Friend, the former Secretary for the Colonies, to the government of the Mauritius. It had given the greatest satisfaction to him (Lord Brougham) and to all who took an interest in the emancipation of the slaves there, to see the judicious and vigorous step taken by his noble Friend, for he had given notice to the government of the Mauritius that if the Council refuse of themselves to carry into effect the emancipation, he should do it for them without waiting for communications from this side of the world. This had saved six months in the liberty of the slave in the Mauritius, but he (Lord Brougham) was sorry to find that no news had come from thence that any thing had been done. In no place was the measure of emancipation one of such absolute necessity, or of such strict justice as in the Mauritius. There might be some title in Jamaica, but in the Mauritius at least one slave in three was detained by an act of felony. He wanted to know whether there would be any objection to the production of the dispatch. If there were, he would give notice.

Lord *Glenelg*, in reference to the receipt of intelligence from the Mauritius, was understood to say, that there had not been time to receive an answer to his dispatch.

Designs Copyright Bill.] Viscount *Duncannon*, in moving the second reading of the Designs Copyright Bill, and the Designs Copyright Extension Bill, said, that the first of these Bills was intended to grant protection to those engaged in the arts of design. Under the present system, no sooner had a manufacturer brought forward a design which met with the public approbation but it was immediately pirated and imitated. Every person claiming the protection of the present bill would be required, within a limited period, to register his design, and the time of protection would be computed from the day of registration. The second bill extended the provision to certain articles not mentioned in the orher bill, and also extended the provisions of the whole of these bills to Ireland.

Lord *Brougham* said, that he spoke the sentiments of his noble and learned Friend, at whose request the second reading of these bills had been deferred, as well as his own, in stating that these bills were well worthy the attention of their Lordships. He considered they effected a great improvement in the present law, by affording protection to those deserving and ingenious persons who were engaged in inventing designs. He thought they were calculated to produce great good, and his only objection to the bills was, that they did not go far enough, that they protected the Manchester designs only, and not the Yorkshire, which were models, and could not be described as drawings. He hoped that, in the committee, the protection would be extended to those models as well as to the designs contemplated by the bill in its present state.

Bills read a second time.

HOUSE OF COMMONS,

Monday, April 29, 1839.

Minutes.] Bills. Read a second time:—Purchasers Protection; Sewers.—Read a first time:—Exchequer Bills.

Petitions presented. By Messrs. Duffield, Dennison, Baines, Raikes, Currie, M. Philips, Wakley, Dundas, and A. White, from a great number of places, for a Uniform Penny Postage.—By Mr. O. Gore, from the county of Salop, against the Bastardy Clauses in the New Poor-law Act.—By Sir W. Somerville, from Donegal, for Corporate Reform; and Extension of the Franchise in Ireland.—By Mr. Rickards, from several places, against the Ecclesiastical Duties and Revenues Bill.—By Mr. Kinnaird, from several places, against any further Grant to the Scotch Church; and from two places, in favour of the Prisons (Scotland) Bill.—By Lord Francis Egerton, from Frome, in favour of the Rating of Small Tenements Bill.—By Mr. Wynn, from Montgomeryshire, against the Repeal of the Corn-laws. By Mr. M. Philips, from the Manchester Chamber of Commerce, for Reducing the Duty on Raw Cotton.

Divertiing Private Funds to Build Churches.] Lord *G. Somerset* moved the third reading of the Rhymney Iron Company's Bill.

Mr. *Baines* considered the object of the Bill a laudable one, as it was to afford the means of church accommodation to the men employed at the works. But the objection he had to the third reading was, that the Bill proposed to take away and appropriate funds for the building and endowment of a church that had been subscribed for another purpose. If such a principle were once sanctioned by Parliament, he did not see where it was to stop. If called upon to divert funds to endow and build a church this year, they might be taken for a chapel next, and perhaps for a theatre, because in all these cases it might be said, that those buildings would afford accommodation to the parties who required it. What he particularly insisted upon, was, that a clause should be introduced to protect those who objected to this mode of employing their money without their consent, and which had never been contemplated by them when they gave their subscriptions.

Lord *G. Somerset* understood by what had fallen from the hon. Member, that he wished to have the third reading of the Bill postponed. The hon. Member had spoken of some such clause as that which he had now proposed when the report was ordered to be brought up, but he trusted the House would not entertain it at this stage. The Bill provided the means of church worship for 8,000 persons. What were the facts? The company had 10,000 shares, of which the holders of 9,985 agreed to this Bill; so that there were only fifteen shareholders out of the whole body, who could be supposed as in any way objecting to the passing of the Bill. It was a fact, which reflected much credit upon the shareholders, and there was Dissenters and Roman Catholics among their number, all approving of the object which the Bill went to accomplish; and he did not think that the opinions of one or two individual proprietors were to be of so weighty a nature as to induce the House to pause about the propriety of proceeding to pass it into a law. In regard to the clause which the hon. Member wished to introduce, it was enough to mention that it was not competent, because notice of his intention to move the clause had not been given in the manner prescribed by the Standing Orders. He must, therefore, press the third reading of the Bill.

Mr. *Baines* was very reluctant to divide the House against the third reading. He would suggest to the noble Lord, that the further progress might be postponed for a few days, to give time for arrangement. He wished to know whether the large number of assents mentioned by the noble Lord, were within his own knowledge, or merely conjecture? As the noble Lord seemed determined to press the third reading, he had no alternative but to divide the House, as the principle involved by the Bill was important to joint stock companies generally and the country.

The House divided; Ayes 71; Noes 8: Majority 63.

List of the AYES.

Ainsworth, P.
Bailey, J.
Baker, E.
Barneby, J.
Bethell, R.
Bowes, J.
Buller, E.
Cavendish, hon. C.
Cavendish, hon. G.H.
Chapman, A.
Christopher, R. A.
Crawford, W.
Currie, R.
Denison, W. J.
Duffield, T.
Duke, Sir J.
Duncombe, T.
Duncombe, hon. W.
Dundas, Sir R.
Egerton, W. T.
Egerton, Lord F.
Ellis, W.
Evans, W.
Feilden, W.
Freshfield, J. W.
Gordon, hon. Capt.
Gore, O. W.
Greene, T.
Grimsditch, T.
Harvey, D. W.
Hastie, A.
Hayter, W. G.
Heathcote, G. J.
Hillsborough, Earl of
Hodges, T. L.
Hodgson, R.
Humphrey, J.
James, Sir W. C.
Kinnaird, hon. A. F.
Kirk, P.
Law, hon. C. E.
Lefevre, C. S.
Lister, E. C.
Lowther, Lord Visct.
Mackenzie, T.
Mackenzie, W. F.
Mackinnon, W. A.
Mildmay, P. St. John
Morris, D.
Packe, C. W.
Perceval, hon. G. J.
Philips, M.
Richards, R.
Rushbrooke, Colonel
Sanford, E. A.
Scarlett, hon. J. Y.
Speirs, A.
Stuart, Lord J.
Strutt, E.
Teignmouth, Lord
Thomas, Col. H.
Troubridge, Sir E. T.
Turner, W.
Vernon, G. H.
Wakley, T.
Wilbraham, G.
Winnington, T. E.
Wood, Sir M.
Wood, T.
Wynn, rt. hon. C. W.
Young, J.

TELLERS.

Lord G. Somerset.
Mr. W. Patten.

List of the NOES.

Ewart, W.
Muskett, G. A.
Palmer, C. F.
Parrott, J.
Pattison, J.
Salwey, Colonel
Style, Sir C.
White, A.

TELLERS.

Mr. Baines.
Sir G. Strickland.

Bill read a third time.

PRISONS.] Lord *John Russell* moved the Order of the Day for going into Committee on the Prisons' Bill.

Colonel *Wood* wished to ask the noble Lord opposite, as the proposed Bill would be likely to overturn the present system of prison discipline in this country, and as the intention of erecting a model prison in the metropolis, had been expressed, a thing which would be attended with some expense, whether he would not postpone it for a short time to give those Gentlemen who took an interest in the matter, time to consider it.

Lord *J. Russell* said, he should be happy to correct any defects in the Bill which might be pointed out; but he thought that some further legislation, such as that included in the Bill, ought to take place. He wished that such justices as desired to establish a system which he as Secretary of State, and which they believed to be best, should not be prohibited by law from so doing. Now, the effect of the present law, as to classification and other points, was totally to prevent the best plan from being adopted. It was to remove this evil that the he had introduced this measure.

Mr. *Gibson* wished to know, whether it was the intention of the Government to provide some asylum for offenders after they had been discharged, and previous to emigration, for which he understood it was intended to afford every facility?

Lord *John Russell* said, that a system of emigration had been recommended by the committee which sat on this question last year, and many benevolent individuals had recommended that asylums should be provided for offenders when they were discharged from prison. He knew that there were many evils resulting from prisoners being discharged at once from prison, as they had no means of procuring employment, and were, therefore, generally driven to the same course of life as before their being confined; but if the system suggested were adopted to the extent which had been recommended, it required some consideration to make it equally as severe a punishment to prisoners as they now suffered from having lost the confidence of the world, and so as not to prevent the natural feelings of mankind being raised against them for their misconduct. During the last year he had seen a very large prison, and the gaoler, speaking to him on the subject, had observed, that it was looked upon as an advantage to young boys to be imprisoned if they were sent to sea; and he had been assured that there had been applications made for the sons of most respectable parents to be sent to sea in the same manner. He thought, that whatever evils might result from persons being discharged at once from prison and not finding employment, the House should be very cautious of taking such a step as that which was proposed; because it was likely that thieves and pilferers would be better provided for than those young persons who had never committed any offence. He said this, too, because in a foreign country a person who had had the superintendence of an establishment for young offenders had told a friend of his that the exceeding comfort of this prison had caused in the metropolis of that country a great increase in the number of offenders. It was not until he saw that some considerable punishment could be connected with these advantages, that he would call on the House to support such a system.

Mr. *Hume* agreed with the noble Lord that to secure to either young or old persons, upon their enlargement upon the completion of their periods of imprisonment under sentence, any certain means of employment, would, strictly speaking, have the effect of holding out an inducement to crime and to criminals upon their enlargement. It was true, that in nine out of ten cases those unhappy persons had recourse to their old practices upon their enlargement. To prevent this, and their association anew with their former companions, it might be worth while to devise, in committee, means for the subsistence for, perhaps, a few weeks, of such as were desirous of turning their backs altogether upon temptation, by emigrating to the colonies.

The House went into Committee on the first clause.

Mr. Alderman *Thompson* suggested the propriety of exempting the prisons of Bridewell in the City, and of the House of Occupation, in St. George's-fields, which were endowed by bequests under particular regulations and limitations by the donors.

Lord *John Russell* would content himself with stating that this subject had been already sufficiently discussed in the debate upon the Uniformity of Prisons Discipline Act. He could see no reason on this occasion to depart from the principle which on that occasion swayed the decision of the House, which was in favour of a perfect conformity in the mode of treatment of prisoners in all prisons without exception.—Clause agreed to.

On clause 3 being read, which enacts amongst other things, that, in order to prevent contamination arising from the association of prisoners, any prisoner may be separately confined during the whole or any part of the term of his imprisonment; and such separate confinement shall not be deemed solitary confinement within the meaning of any act forbidding the continuance of solitary confinement for more than a limited time,

Mr. *Darby* objected to so great a discretionary power being given to the magistrates as that of extending solitary confinement during the whole of the period of imprisonment of the prisoner. The hon. Member moved that the first part of the clause down to the word imprisonment be left out.

Sir *G. H. Smyth* was also very strongly opposed to the clause. Two years' solitary confinement was more than the human constitution could bear.

Mr. *Hawes* said, the great object of legislation on the subject of imprisonment was, to prevent the prisoner from being made worse during the period of his confinement. With that object in view, the old Gaol Act provided for a system of classification, and Howard and others recommended that prisoners should be separately confined. In regard to the separate system, the report of the Inspectors of Prisons said, that no case of illness had come under their notice attributable to that system, nor any instance of a prisoner having been made worse. The reports of the French and Prussian commissions had been to the same effect, and the Commissioners had unanimously recommended the adoption of separate confinement. No instance, he contended, could be furnished of illness or deterioration in the morals of the prisoners resulting from the separate system, although he was willing to admit that in America, under the silent system, both the minds and bodies of the prisoners had sunk. But the two systems were essentially different. The separate system had been tested by experience, and it had this great recommendation, that it was the only system under which the prisoner was made no worse during his confinement. To establish that system was the object of the clause under consideration, and which he trusted would receive the sanction of the House.

Mr. *Pakington* was strongly indisposed to give any one such extensive powers as this clause would confer. He held in his hand a report relative to the Philadelphia Penitentiary, from which it appeared that the mortality in that prison was greater than in any other of the prisons in the United States, and in that prison the separate system was in operation. Madness also had prevailed amongst the prisoners to a frightful extent, and the morals of the persons confined did not, notwithstanding the severe punishment to which they were subjected, appear to have been improved in a greater degree than in the other gaols. He sincerely hoped he should never see such a system adopted in England, for, in his opinion, there was no distinction between the separate and silent systems. They were in reality the same, and he could not therefore give his consent to the clause under consideration, by which it was provided, that any prisoner may be separately confined during the whole or any part of the period of his imprisonment.

Mr. *Hawes* said, that the hon. Member who had just sat down had taken his statement relative to the Philadelphia Penitentiary from the report of the Society for the Improvement of Prison Discipline, and not from the report of the official board.

Mr. *Pakington* said, the report he had alluded to was founded on the Penitentiary returns.

Sir *G. Smyth* said, that the present system was a very severe one. The prisoners were confined in their cells during the night, and were not permitted to have any intercourse. In the morning they were placed upon the treadmill, when silence was enforced, and in the afternoon again returned to their cells, no communication being permitted between them even at the hours when they got their meals. Surely such a system was already sufficiently severe.

Lord *J. Russell* said, that in estimating the merits and demerits of any system the only way to arrive at the truth was by comparison. The old system under which the prisoners were permitted to associate had been generally condemned, and a system of classification had in consequence been adopted. That system was better than the old, but it was not a sufficient remedy for the evils arising from association. Since the system of classification had been adopted the present system had been introduced, and he agreed with the hon. Gentleman who had just sat down, that the existing system, which imposed silence upon the prisoners at all times, was a most severe one. That system indeed was, in his opinion, far more severe than that which it was now proposed to introduce. By the clause under consideration it was provided, that the prisoner should have the means of enabling him to communicate at any time with an officer of the prison, that his health should be carefully attended to, that he should have the means of taking air and exercise, that he should be furnished with the means of moral and religious instruction, and with such suitable books as may be selected by the chaplain; and that he should also be provided with labour or employment. Punishment of that nature was certainly calculated to deter from crime, but it was not likely to cause such a continual irritation as the system in operation. His object was, to introduce a more effectual, but not a more severe punishment for crime, and, in his opinion, the provisions of the clause were well calculated for the attainment of that end. With regard to the question of mortality, he did not think that any statement had been made which could controvert those made in the prisons report. He thought the system could not be charged with either inhumanity or cruelty, but that the silent system was much more severe. He, therefore, hoped there would be no opposition to the clause.

Mr. *Estcourt* objected to giving an unlimited power to inflict solitary confinement on prisoners, and recommended the withdrawal of the clause, which appeared to have been hastily drawn up, and that the noble Lord would bring in some distinct measure on the subject.

The *Solicitor-General* said, if a discretionary power were given to gaolers and other officers to enforce the system of separation as they pleased, it would be most objectionable; but in point of fact, the clause provided that solitary confinement was only to be inflicted after a communication by the magistrates with the Home Secretary.

Mr. *Pakington* understood, then, that there was no difference to be made before or after trial.

Sir *H. Verney* hoped the noble Lord would not make any difference. The object of the clause was to prevent the gaol being a place of corruption to prisoners. The separate system ought to be applied to the whole time the prisoners were confined in the gaol, or not at all.

Mr. *W. Evans* hoped the clause would not be withdrawn.

Lord *Granville Somerset* said there was much difficulty in understanding what was the real principle of the bill. By one clause one thing might be inferred, and by another clause another. He thought the clause under discussion should be amended before it was further discussed, and he could not subscribe to the doctrine of placing prisoners under solitary confinement before trial. This was most unjust.

Colonel *Davies* inferred, that the noble Lord had confounded separate confinement and solitary confinement together. The first prevented contamination before trial; the other was absolute punishment for the offence for which the prisoner had been found guilty.

Mr. *Barneby* objected to separate confinement before trial, and suggested, that before the system should be generally adopted, it should be fully tried in a model prison, provided with a proper number of cells.

Mr *Briscoe* was not prepared to consent to the clause as it stood, because it gave an unlimited power of separate confinement for any time during sentence. He doubted whether the health did not suffer by separate confinement, if prolonged beyond two years, or perhaps beyond one year; and he therefore suggested a limitation of the power to the latter period. Fourteen cases of insanity had actually occurred in the very prison from which they were about to take this system; and he thought, therefore, that they should pause till they had better evidence, that the health did not suffer. A sentence of one year under the amended system would be equal to two or three years under the present rules; and if the noble Lord would limit the period of separate confinement to one year, he would unite all parties in the house.

Sir *E. Knatchbull* doubted whether it would be prudent to adopt at once the separate system, and carry it out so extensively as was proposed by the bill.

Lord *John Russell* said, that it was his intention to propose to the House a vote for the erection of a model prison; but that ought not to prevent the House allowing the proper authorities to consent in any particular instance to separate confinement. He doubted, however, whether for each prison power should be given to the magistrates to build separate cells; not from any fear of the final progression of the amended system of prison discipline, but from an alarm lest any authority having power to build separate cells, should erect close and inefficient cells, and that the evils arising from such cells would be attributed to the separate confinement. He would take the division on the first words, so as to affirm the principle of separate confinement; and he would amend the clause afterwards, so as to insert all proper guards.

Lord *G. Somerset* said, that if he were called upon to affirm or negative the simple question of principle, he must vote against the present clause; but at the same time he urged the noble Lord as he intended to amend the wording of the clause, to postpone the division till the amended clause was before the House.

Mr. *Fox Maule* said, that last year the House had affirmed the very principle now in dispute, for it was included in the Scotch Prison Bill passed last Session, and if the House now decided against this clause, they would oppose this year what they affirmed last. It was of great importance as a step towards the improvement of prisoners, and the noble Lord was quite right to divide the House upon it. They could do nothing towards improving prisoners unless they had power to separate them as well before as after trial, and if he (Mr. Fox Maule) had a choice between the two, he would rather prefer the power to separate before trial.

The House divided on the question, that the clause stand as originally proposed:—Ayes 117; Noes 58:—Majority 59.

List of the Ayes.

Aglionby, H. A.	Ainsworth, P.

Baines, E.
Barneby, J.
Barry, G. S.
Beamish, F. B.
Bentinck, Lord G.
Bethell, R.
Bewes, T.
Bodkin, J. J.
Brabazon, Lord
Briscoe, J. I.
Broadley, H.
Brocklehurst, J.
Brodie, W. B.
Brotherton, J.
Burroughes, H. N.
Cayley, E. S.
Chester, H.
Chetwynd, Major
Clay, W.
Collier, J.
Coote, Sir C. H.
Cripps, J.
Curry, W.
Dalmeny, Lord
Duke, Sir J.
Dundas, C. W. D.
Eaton, R. J.
Ellis, W.
Evans, W.
Ewart, W.
Farnham, E. B.
Fector, J. M.
Fitzroy, Lord C.
Gibson, T. M.
Gordon, R.
Grant, F. W.
Greene, T.
Greenaway, C.
Grey, rt. hn. Sir C.
Grote, G.
Halford, H.
Hawkes, T.
Hawkins, J. H.
Hector, C. J.
Hindley, C.
Hobhouse, right hon. Sir J.
Hobhouse, T. B.
Hodges, T. L.
Hodgson, R.
Hope, hon. C.
Hope, G. W.
Houstoun, G.
Hume, J.
Hurt, F.
Hutton, R.
Jackson, Mr. Sergeant
James, Sir W. C.
Johnstone, H.
Jones, J.
Kemble, H.
Langdale, hon. C.
Lascelles, hon. W. S.
Lockhart, A. M.
Marsland, H.
Morpeth, Lord Visct.
Morris, D.
Murray, A.
Muskett, G. A.
Norreys, Sir D. J.
O'Brien, C.
O'Brien, W. S.
O'Connell, D.
O'Connell, J.
Parker, J.
Parnell, rt. hn. Sir H.
Pease, J.
Pigot, R.
Pinney, W.
Protheroe, E.
Rice, E. R.
Rolfe, Sir R. M.
Rundle, J.
Russell, Lord J.
Salwey, Colonel
Scarlett, hon. J. Y.
Seale, Sir J. H.
Seymour, Lord
Smith, R. V.
Stanley, E.
Stanley, W. O.
Steuart, R.
Stewart, J.
Stock, Dr.
Strickland, Sir G.
Strutt, E.
Style, Sir C.
Thompson, Mr. Ald.
Thornely, T.
Troubridge, Sir E. T.
Turner, W.
Verney, Sir H.
Vigors, N. A.
Vivian, Major C.
Vivian, J. H.
Wall, C. B.
Warburton, H.
White, A.
Williams, W. A.
Wilmot, Sir J. E.
Wilshere, W.
Winnington, T. E.
Worsley, Lord,
Wrightson, W. B.
Wynne, rt. hn. C. W.
Yates, J. A.

TELLERS.
Maule, F.
Hawes, B.

List of the Noes.

Acland, T. D.
Bagge, W.
Bailey, J.
Bailey, J. jun.
Baker, E.
Baring, H. B.
Blackstone, W. S.
Bolling, W. M.
Clive, hon. R. H.
Dalrymple, Sir A.
Darlington, Earl of
Davies, Colonel
Douglas, Sir C. E.
Duncombe, hon. W.
Egerton, Sir P.
Estcourt, T.
Filmer, Sir E.
Freshfield, J. W.
Gladstone, W. E.
Goddard, A.
Grimsditch, T.
Grimston, hon. E. H.
Heathcote, Sir W.
Irton, S.
Lincoln, Earl of
Lowther, hon. Col.
Mackenzie, T.
Mahon, Lord Visct.
Marton, G.
Maunsell, T. P.
Maxwell, hon. S. R.
Neeld, J.
Nicholl, J.
Noel, hon. W. M.
O'Neill, hon. J. B. R.
Packe, C. W.
Pakington, J. S.
Palmer G.
Parker, M.
Parker, R. T.
Planta, right hon. J.
Plumptre, J. P.
Polhill, F.
Pryme, G.
Rolleston, L.
Round, C. G.
Round, J.
Rushbrooke, Colonel
Sheppard, T.
Sibthorp, Colonel
Smyth, Sir G. H.
Somerset, Lord G.
Teignmouth, Lord
Vere, Sir C. B.
Waddington, H. S.
Wakley, T.
Wood, Colonel T.
Young, Sir W.

TELLERS.
Knatchbull, Sir E.
Darby, G.

Clause agreed to.

On the 13th clause, relating to the power of the magistrates to grant superannuation allowances to the chaplains, officers, and servants of the gaols,

Mr. *Hume* objected to the clause on the ground that the principle of allowing superannuations to public servants, was a bad one. He wished the public servants to be properly paid, and then that they should make that provision for their old age out of their incomes which other parties were obliged to do out of their earnings. This clause would give the magistrate the power of creating pension lists, and as he feared it might lead to jobbing, if not to a wasteful expenditure of the county funds, he must strongly object to it. A pension of 400*l.* had been granted to one chaplain by the Middlesex magistrates recently for fourteen years' service, and another of 200*l.* to another chaplain for two years' service. Against such a system, therefore, he must protest. The hon. Member then moved that the clause should be omitted from the bill.

Colonel *Wood* defended the superannuations to which the hon. Member for Kilkenny referred, and thought that the magistrates ought to have the power of rewarding long and faithful services, which this clause intended to place in their hands.

Captain *Wood* said, that as they were about to adopt a new system, it was most important that they should obtain the services of the most efficient officers they could find. This could not be done unless some provision of this kind were made for persons who entered into the public service.

Mr. *F. Maule* expressed a hope that the hon. Member for Kilkenny would not press his motion.

Mr. *O'Connell* supported the clause, and thought the economy of his hon. Friend, the Member for Kilkenny, on this occasion was, a mistaken economy.

The Committee divided on the clause, Ayes 144; Noes 21: Majority 123.

List of the Ayes.

Acland, Sir T. D.
Acland, T. D.
Adare, Viscount
Ainsworth, P.
Ashley, Lord
Bagge, W.
Bailey, J., jun.
Baker, E.
Baring, F. T.
Barneby, J.
Barrington, Visct.
Barry, G. S.
Beamish, F. B.
Bentinck, Lord G.
Bethell, R.
Bewes, T.
Blackburne, I.
Blackstone, W. S.
Blair, J.
Bodkin, J. J.
Brabazon, Lord
Broadley, H.
Broadwood, H.
Brodie, W. B.
Burroughes, H. N.
Byng, rt. hon. G. S.
Cavendish, hon. C.
Cavendish, hn. G. H.
Cayley, E. S.
Chester, H.
Chetwynd, Major
Christopher, R. A.
Clay, W.
Collier, J.
Cresswell, C.
Curry, W.
Dalrymple, Sir A.
Darby, G.
Darlington, Earl of
Douglas, Sir C. E.
Dowdeswell, W.
Duke, Sir J.
Duncombe, hon. W.
Dundas, Sir R.
Egerton, W. T.
Egerton, Sir P.
Elliot, hon. J. E.
Estcourt, T.
Evans, W.
Fector, J. M.
Fitzroy, Lord C.
Gladstone, W. E.
Goddard, A.
Gordon, R.
Grant, F. W.
Greene, T.
Greenaway, C.
Grey, rt. hon. Sir C.
Grimsditch, T.
Grimston, Viscount
Grimston, hon. E. H.
Halford, H.
Harland, W. C.
Hawkes, T.
Hawkins, J. H.
Heathcote, Sir W.
Hobhouse, right hon. Sir J.
Hobhouse, T. B.
Hodgson, R.
Hope, hon. C.
Hurt, F.
Hutt, W.
Hutton, R.
Ingestrie, Visct.
Irton, S.
Jackson, Mr.Sergeant
James, Sir W. C.
Johnstone, H.
Jones, J.
Kemble, H.
Kinnaird, hon. A. F.
Knatchbull, right hon. Sir E.
Langdale, hon. C.
Lefevre, C. S.
Lemon, Sir C.
Lincoln, Earl of
Lowther, hon. Col.
Mackenzie, T.
Maunsell, T. P.
Maxwell, hon. S. R.
Mildmay, Paulet St. J.
Miles, P. W. S.
Morpeth, Lord Visct.
Morris, D.
Neeld, J.
Neeld, John
Norreys, Sir D. J.
O'Brien, C.
O'Brien, W. S.
O'Connell, D.
O'Connell, J.
O'Connell, M. J.
O'Connell, M.
O'Ferrall, R. M.
Packe, C. W.
Pakington, J. S.
Palmer, R.
Parnell, rt hon. Sir H.
Plumptre, J. P.
Rice, E. R.
Richards, R.
Roche, E. B.
Roche, Sir D.
Rolfe, Sir R. M.
Rolleston, L.
Round, C. G.
Round, J.
Rushbrooke, Colonel
Russell, Lord J.
Seymour, Lord
Sheppard, T.
Sibthorp, Colonel
Sinclair, Sir G.
Smith, R. V.
Smyth, Sir G. H.
Stanley, E. J.
Stanley, E.
Stanley, W. O.
Strutt, E.
Style, Sir C.
Talbot, C. R. M.
Teignmouth, Lord
Thompson, Mr. Ald.
Vere, Sir C. B.
Verner, Colonel
Vivian, Major C.
Waddington, H. S.
Wilbraham, G.
Wilshere, W.
Winnington, T. E.
Winnington, H. J.
Wood, Colonel T.
Wood, G. W.
Wood, T.
Young, J.

TELLERS.

Maule, F.
Hawes, B.

List of the Noes.

Aglionby, H. A.
Baines, E.
Brotherton, J.
Dundas, C. W. D.
Ellis, W.
Finch, F.
Hodges, T. L.
Jervis, J.
Maher, J.
Marsland, H.
Pease, J.
Rundle, J.
Salwey, Colonel
Scholefield, J.
Strickland, Sir G.
Thorneley, T.
Vigors, N. A.
Warburton, H.
Williams, W.
Williams, W. A.
Worsley, Lord

TELLERS.

Hume, J.
Hector, C. J.

Clause to stand part of the bill.

On the fourteenth clause,

Mr. *Blackstone* objected to the appointment of Roman Catholic priests to the gaols, on the ground, that such a course would operate injuriously to the Established Church. The hon. Member moved the rejection of the clause.

Mr. *O'Connell* said, he must move, that the Chairman should report progress, and ask leave to sit again, in order that this question might be discussed at an earlier hour of the night. He did not think the opposition of the hon. Gentleman opposite to the clause even decent.

Lord *J. Russell* said, that as the matter had already been discussed, he did not think it could now occupy any great length of time, and therefore, he hoped the Committee would proceed with the bill.

Mr. *M. J. O'Connell* said, that as the rule had been violated in Ireland, he saw no reason why the same principle should not be adopted in this country. Roman Catholic priests were appointed to the gaols in Ireland.

Lord *Teignmouth* was opposed to the precedent which had been adopted in Ireland, and therefore should resist its being followed in this country.

The House resumed, Committee to sit again.

HOUSE OF LORDS,

Tuesday, April 30, 1839.

MINUTES.] Bill. Read a first time:—Poor-law Act Amendment.

Petitions presented. By Lords ASHBURTON, HATHERTON, the Duke of NEWCASTLE, the Earls of CAMPERDOWN, and FITZWILLIAM, from a very great number of places, for a Uniform Penny Postage.—By the Duke of NEWCASTLE, from some place, against any further Grant to Maynooth College.—By the Marquess of BUTE, and the Earl of HADDINGTON, from several places, for Church Extension in Scotland.—By the Marquess of HEADFORT, from Dublin, for a system of Railroads for Ireland.—By the Duke of RICHMOND, from Gardeners in Kent, against the Tithe Commutation Act.—By Earl FITZWILLIAM, from Kirkaldy, against any further Grant to the Scotch Church; from several places, against the Beer Bill; and from a number of places, for the Repeal of the Corn-laws.—By Lord ASHBURTON, from Liverpool, for an Alteration in the Imprisonment for Debt Act.

LIBERTY OF THE PRESS IN MALTA.] Lord *Brougham* rose to bring forward a subject of great importance regarding the administration of the law and government in an outpost, as it were, of great consequence both in a military and commercial point of view—he meant the island of Malta, but of still greater importance in his view of the subject as regarded the general principles of our jurisprudence; because, whatever might be the law of Malta, the ordinance which had been issued respecting the liberty of the press gave a sanction at least, if nothing further should follow, to a principle which he entirely disapproved of, which he knew their Lordships and all lawyers would disapprove of, which was repugnant, in some respects, to the actual principles of the law of England, and, in other respects, repugnant to what those principles ought to be made and to what all those who had ever considered the subject of the law of libel were of opinion they ought to be made. It might be naturally asked, why he should meddle with the affairs of Malta—a subject to which he never yet had given the smallest attention, and on which his information was as limited as almost any of their Lordships? But he must say, that his defence for coming forward on this occasion was not, as he had already stated, so much in respect to Malta as with regard to English jurisprudence and the law of libel itself. His attention had not of late, only, been called to this important question. He believed it was known to their Lordships, that he had not only given his testimony on the subject before a committee of the House of Commons since he had had the honour of a seat in their Lordships' House, but also that while he was a Member of the other House, at various times during the last thirty years, he had constantly made this a subject of earnest representation, and had introduced several bills for the purpose of amending the law. How was it possible for him to see without an effort, legislation not advancing or improving with the advancement and improvement of the age, nor even keeping stationary and secure in the ground already gained, but retrograding and retreating away from the light, enveloping itself in the darkness of a former and worse period of jurisprudence, and, in all respects, lessening the security of the subject, diminishing the rights of free discussion, and fettering and cramping, instead of extending the liberty of the press. He was the more incited to take the course he was pursuing by the disappointment which he felt at this ordinance, a disappointment which he felt in common with others who had congratulated themselves on the occasion of an assurance given by the King's Government in 1836, that the censorship of the press was to be abolished in Malta, and that the liberty of the press was to be established in that settlement. He now found, that the performance of that promise, the redemption of that pledge, or rather the verification of that statement—for it was a statement of fact which was made in 1836, which called forth so much approbation in the House of Commons, and which was received with so much gratitude out of doors, as being highly creditable to those who made it—consisted of an ordinance with which it was utterly and absolutely impossible that there should exist even the shadow of a shade of the liberty of the press. For these reasons it was, that he came forward and entreated the attention of their Lordships to this ordinance, although he must add, that he did so with the greatest reluctance, when he saw the names attached to the recommendations on which this ordinance was passed by the council of Malta. He had the greatest respect for those learned individuals. He had the highest respect for their learning and their talents, grounded upon experience of those qualifications. He had been the fellow-labourer of both of them in various departments of labour, as he thought useful to the State. With respect to one of them, he had himself given the best proof of the confidence that he reposed in him, by selecting Mr. Austen and placing him forward in an important station on a commission for the reform of the criminal law of this country. It was his duty to state—what it was at all times his pleasure and gratification to state—now, when he objected to the course lately taken in the Malta ordinance, that no man had ever better answered a recommendation; no man had ever by his conduct more amply justified the selection to which he owed his place on that commission. On the authority of all his brother commissioners, with whom he had been in constant communication during the course of their inquiries, he had the highest pleasure in stating, that a more useful, a more acute, or a more learned person than Mr. Austen never was engaged in any such inquiry. The other member of the Malta commission, Mr. Lewis, was known to many of their Lordships as a man of great learning and great capacity, although not, perhaps, of so much experience in the profession of the law, as made it advisable to choose him for the important, difficult, and delicate task of making a new code of laws— but of as much experience as Mr. Austen, who from ill-health, and not from want of capacity, had never practised at the bar. When he placed Mr. Austen on the Criminal Law Commission, he was the only person of that description upon it—the only person of a profound and general knowledge, not only of the laws of his own country, but of the principles of general jurisprudence. He was peculiar in that respect, and stood out from among his colleagues. He was peculiar in another respect (and with such a peculiarity his selection could only be justified)—by his being the only one of five commissioners to whom it belonged, which was, that he was not a lawyer in the full, constant, and daily practice of the profession. But he protested—much as he respected Mr. Austen, and greatly and justly as he estimated his talents, and well as he knew his learning—he should no more have thought of placing him alone on a commission for the reform of the criminal law, or of any other branch of the law, criminal or civil, than he should have thought of appointing one who had never had a wig and gown. He might be a very admirable, useful, nay, indispensable adjunct, but utterly unfitted—by his very excellence, by his very capacity—to be the sole constituent member of a board. With respect to what had been done in consequence of the Malta commission, he did not attach to his noble Friend, the former Secretary for Foreign Affairs, any blame whatever for the mistake, or error of judgment—provided it was corrected before it was too late. It was now an error of judgment, but it would become a fault of a very different description if it were not speedily amended. The only fault he had to find with his noble Friend was, that he had not taken the opinion of the English crown lawyers on the subject; for most assuredly, if he had done so, this most preposterous ordinance would never have seen the light. In the view he took of the conduct of his noble Friend (Lord Glenelg), however, in this matter, his noble Friend was not liable even to the blame of participation in an error of judgment. The circumstance of the ordinance not having been acted upon until January, 1839, was only an apparent delay, which was thus explained:—The original draught of the ordinance was so faulty, that his noble Friend could not sanction it at all. It was accordingly withdrawn, and another prepared. That accounted for the delay, which he would be very willing to forgive if it were much longer. If, instead of sending out the ordinance in the month of March last, they had delayed a few weeks or months longer, in order to take the opinion of the Crown lawyers upon the subject, he thought it required no spirit of divination to see, that whoever they might be, this ordinance would never have gone out to Malta. His noble Friend sent it out to be considered, giving a general approval of its principle, praising the diligence of the Commissioners, and calling the serious and undivided attention of the Malta council to the draught of the ordinance "for," said he, "it will require much consideration as to the details, and to its adaptation to the circumstances of Malta." Now, if that attention had been paid to its details and to its adaptation, not only to the circumstances of Malta, but to those of the English law, he was sure the council would have found them so inconsistent, that they would not have passed them. But it was not surprising, that they should have passed, and easily enough, in a council of military officers and civil servants who had no lawyer amongst them. This draught of the ordinance was submitted to be considered, weighed, sifted in its details, and finally adopted or rejected altogether or partially, all the matters contained in it being of a technical and legal description—to what? to a lack-learning council, without the shadow of a lawyer, the recommendations for abolishing the offices of Chief Justice and Attorney-General having been acted upon, and in reference to which he was glad to find, that his noble Friend intended to bring forward a motion on Monday week. This evidence was, therefore, the result of an inquiry on the part of an incompetent council, and contained such a mass of blunders—he could give them no other name—as had never been known in modern legislation. It consisted of five chapters and four pages, and to these four pages and five chapters were appended forty closely printed folios of note and comment. So that they had sixty-four notes and forty pages for the purpose of explaining five chapters and four pages. If they made laws which were not intelligible, the Legislature was bound to explain them for the subjects who were to obey them; but, in this instance, so extraordinary was the division of labour, that they had four pages of a legislative effort in Italian and English, and forty pages of explanation, not for those who were called upon to obey the ordinance, but for the service of their Lordships who were to comment upon it. Whether those who were to obey it, suffered much from the loss of those forty pages was another matter. When he looked to the explanations which they contained, he was bound to say, that he did not think they did. He doubted, whether those explanations would not have left them in that state of mind which a person might be supposed to be in who was a little confounded by a statement, but found himself worse confounded by the explanatory notes and elucidations. The notes were, undoubtedly, extremely clever, such as no one but a person of learning, of acuteness and ingenuity, and possessed of much knowledge of various kinds, could have written; but then, unfortunately, the knowledge displayed was not of that particular subject which was required for the occasion, namely, a knowledge of the English law; for certainly he had never met with a more curious assemblage of blunders in this point of view in his life. In page 74 it was stated, "Perhaps these notes will not be strictly authoritative." A very strange proposition, as was also that in the next page,—"It is obvious, that annotations cannot have the authority of law." No mortal ever dreamt of the possibility of any note having any legislative authority. That would be telling the subject what to do in one law, and stating in writing, not in another law, what it meant. The Legislature was first bound to know what it meant. It was next bound to tell what it meant, and having done so, to rely upon it, and take it only for what it meant when legally construed. It was further stated, with respect to these notes—"If they are re-published by the Government, they will be nearly equivalent in the interpretation of the law to proceedings directly from the Legislature." Thus they would be as good as if they were in the text of the law. They all knew, that when the Legislature wished to tell what it meant, it did so in the form of a declaratory act. No court of law would allow any speech or writing which had been made by the framer of a law to be read for the purpose of giving a judicial interpretation of the enactment. He concluded, therefore, that these notes were of no authority. But, leaving that out of the question, let the House see whether these notes did really afford any great knowledge, or throw any great light upon the text which they were designed to illustrate. In the first place, he wished to remark upon the subject of these notes, that they displayed a very great affectation of accuracy. Wherever accuracy was of no value whatever, there the notes were most superabundantly accurate, they only failed in the quality where it was requisite, and might easily have been attained. For instance, according to this exposition, the writings mentioned in the text were explained to mean any words in alphabetical or other characters, meaning thereby, of course, hieroglyphics, because all written languages were expressed either by alphabetical characters or hieroglyphics, very few were written in the latter mode. The Chinese was one, but it seemed rather an unnecessary precaution to extend the scope of a Maltese ordinance either to Chinese or hieroglyphics. But the accuracy of the note did not finish there, it went on to declare, that the printed writings in question comprehended words in alphabetical or other characters, printed with types on one or more paper or papers, or other substance or substances, and then the note proceeded to say, it would be extremely difficult to enumerate all the substances which might be printed upon, and therefore no attempt had been made either to enumerate all the species of such substances, or even to define their genera. Among the species, however, they gave "for example, a book, pamphlet, unstitched sheet, handbill, card, or roll, consisting of paper, parchment, or linen." There was much more information on this point in the commentary, with which he (Lord Brougham) would not trouble the House. He would only observe, that he was very glad, so far, that these explanations had not been put into the text, for they would have had anything but the effect of explaining. Another cause involved the publisher of any publication objected to in the penalties, not only if it were done wilfully, but also if it were done "negligently." What was the definition of negligence afforded by the commissioners? "Negligence," they laid out, "is the want of due attention, meaning by due attention the attention due from a given party, by virtue of a given law, or rule, or principle of morals." This was a most comprehensive and detailed account of negligence, certainly, but how far it would assist the Maltese in comprehending the law was another matter. The note did not attempt to define how much attention "due attention" meant. And, in truth, that was a matter incapable of definition, being one of that description which, according to our own laws, was always left to the decision of a jury. A jury, however, would not have to decide upon cases under the Maltese ordinance. All such cases would be decided by an officer removeable by the Crown, and thus the very evil would exist which formed the great objection to a censorship. Then, again, the commissioners changed about their words in a most unaccountable manner. There was one set of words very much used in the text by the commissioners, "that which reviles, traduces, or ridicules." What was it they meant by this word "revile?" When the reader came to the notes, he found this word changed to "vituperation," and there was a remarkable instance of this in one part of the commentary, which said, "as the ordinance says, revile, vituperate;" whereas the ordinance did not use the word vituperation at all. Look at the definition which the commentary gave of a word which predominated throughout the ordinance—he meant the word "censure;" which was extremely popular with the commissioners; it was a word wholly unknown to the English law, and was, moreover, the most indefinite word that could be imagined. "Defamation" was a legal term. Everybody knew what was meant by the word "ridicule," all understood the term "invective," and most people felt accurately enough what "scurrility" was: but "censure!" who ever heard of such a term in the law of libel? Yet that was the chosen word of this ordinance. What account did the notes give of the word? Why, they said, that any publication would fall within the prohibition, whatever might be the nature or form of the censure—whether it was serious or ironical, express or implied, so that it was a statement, which, although unaccompanied with any expressed inference of misconduct, would lead others to make such an inference. He must confess, that he understood the word "censure" better before than after reading the definition of it. The word, in truth, was so vague a term, that God forbid any person should be put on his trial on a charge of censure. A man might be censured for the merest comparatively trifles, as well as for the greatest enormities. You may censure a man, by saying, that he is a murderer, a robber, a ruffian of the deepest dye; that he is as profligate in private conduct as he is unprincipled in public life; but you may also censure him by saying, that "he is not so good as might be wished;" that "many better men are worse spoken of;" that "he is far from being a perfect character—as who indeed, is"—that "he has many little faults, as who has not;"—that "he has several little weaknesses; that his conduct is not free from blame;"—and so on; but could any man for a moment describe these latter "censures" as libels? Libels, however, they were declared to be in Malta, and punishable too, with twelve months' imprisonment. It must not be forgotten, too, that the ordinance comprehended every thing that tended to defame. The homely language of the English law merely extended to that which actually defamed, to that which lowered the estimation in which a man was held, to that whereby his reputation was tarnished, or his character damaged in the eyes of the public. But, in this ordinance were to be found over and over again such expressions as "that which tends to incite any one to attempt to do an act." Another expression used in this document was of a sufficiently vague nature. Provision was made for the punishment of those who should be found guilty of publicly censuring, or disrespectfully mentioning, her Majesty, meaning, of course, the sovereign for the time being. What was meant by the word "disrespectfully" was not defined. Why, he could figure to himself, at the instant, fifty different expressions used without any evil intention, without unkindness, but which were improper in themselves, and disrespectful towards the object of them, but which no man in his senses would call a libel. Why, he had hundreds of times seen the term "poor blind old king" applied to one monarch of this country; "the fat old king," said of another. Now, these expressions were both improper in themselves, indecorous, and disrespectful; but who had ever thought of charging the utterers of them with libel, and sending them to prison, as would infallibly be done at Malta, under this ordinance. He could figure to himself another expression, which he had himself heard more than 500 times made use of towards as good, kind, and warm-hearted a monarch as ever reigned, and who had been called "the jolly old tar, William the Fourth." Such a phrase was obviously used entirely in a spirit of kindness; but it was, nevertheless, by no means a respectful designation. The sovereign was, by the law, regarded as perfect, and as above all such indecorous familiarity. But, notwithstanding the impropriety of these expressions, who would ever dream of calling them libellous, making them the subject of legal proceedings, and punishing those who use them like the worst criminals. Then there was another word used in this ordinance, "malversation," which seemed a most extraordinary phrase. No doubt a definition was propounded of the word by the commissioners, but he should loudly protest against such a definition ever being parcel of our law, for the doctrine involved was frightful to contemplate. "Malversation," said the commissioners, "signifies any misconduct (positive or negative) in a public capacity; or, in other words, it signifies any violation (positive or negative) of any legal or moral duty incumbent on a person in a public capacity." So that if any man in a public situation was not charitable, for instance, was narrow, did not give to the poor, which was a breach of one of the first moral duties, and any person made an observation to this effect, he was forthwith to be put into prison for twelve months as a malversator. The list of persons protected by this provision was very large and singularly comprehensive. They were, "all persons employed or concerned in administering the government of these islands," which description in the notes was explained to embrace any person within any of the following descriptions. First, a person employed or concerned in administering such government generally, or in administering any department of such government, be it civil, military, naval, or other. Second, a person employed or concerned in administering such government, in any capacity superior or inferior. Third, a person employed or concerned in administering such government, in any capacity permanent or transient. For example, a judge, a military officer commanding a regiment or fort, or a naval officer commanding a ship, is employed or concerned in administering such government, in a permanent capacity. A juryman, a military officer on guard, or a sentry on his post, is employed or concerned in administering such government, in a transient capacity. Fourth, a person employed or concerned in administering such government, within or beyond the limits of these islands." The care taken of "the centry on his post" was singularly considerate. It was certainly desirable that no person should accuse of "malversation," a public functionary like the sentry, concerned in "administering the government of the islands" in a transient capacity" from six to eight o'clock in the morning or afternoon of any given day, and that the other public functionary who relieved him should have the same protection. Otherwise, of how many of these public functionaries might not unthinking persons observe that they were not so charitable as they ought to be, or that they were fond of drinking or "malversation," imputable but in too many instances to parties "concerned in administering the government of the islands in this transient public capacity." It was quite right that they should be protected by a penalty of twelve months' imprisonment, and some future Blackstone, in commenting upon this law, would say, "So tender are the laws of England of the character of sentinels on duty in a transient capacity." All these provisions regarded animadversions on private character, and the learned annotators drew a broad distinction between censures on the private and public actions of individuals. With respect to the latter, a very extraordinary proposition was advanced. "Mere vituperation or ridicule of a person in a public capacity," said the commissioners, "has little or no tendency to detract from his reputation, or even to wound his feelings." No! no tendency to detract from his reputation, or wound his feelings! Had the vituperation or ridicule of a statesman, for instance, in the newspapers, no tendency to detract from his reputation or wound his feelings; or to detract from his reputation at all events? Could it be imagined that the reputation or feelings of those who happened to be the Ministers of the day were wholly unaffected by all the unsavoury comparisons which were from time to time made respecting them? For instance, when it was said of one, that "he had the stature of a cockchafer and the spirit of a titmouse," or when it was said, that a Minister was an animal devoid of all feeling. Let the House hear, too, the character of Sir R. Walpole, as it appeared in the *Craftsman*, and say whether there was nothing in it to detract from the reputation or wound the feelings? Or was there anything calculated to increase the reputation or gratify the feelings of the Duke of Newcastle, in the account which appeared of him, and which summed up his character with this description:—

> "He never knew his own mind for forty-eight hours. His whole life was a perpetual course of trimming. He had given up every point, every measure, and every principle, and was driven about by every wind from side to side. He was first driven from left to right, and then carried back by a more brawny arm from right to left again, thus uniting the repose of the shuttlecock with the dignity of the puppet. A minister devoid of all feeling whatever, truth an entire stranger to his bosom, as feeling and humanity are to his nature. He never says 'yes,' except when he means 'no,' he never denies a thing unless he positively knows it to be true. If you are a suitor for his favour, if he smiles on you, have a great distrust of him. If he makes you a promise, distrust him still more, but if he squeezes your hand, and professes friendship for you, give yourself up as a lost man. Every man of common sense on this occasion leaves town, and retires into the country until he himself dies, or the ministry changes."

Again, to say to a woman that any particular man seeking her love was ten times more stupid than any of his rivals, might be extremely disagreeable to that person, and might deeply wound his feelings; but would you punish any one for libel and defamation on such an account? The same might be said, if he stated that no one wrote a worse hand than his noble and learned Friend, and provided also that his noble and learned Friend prided himself on his calligraphy; but for saying so much in Malta he would render himself liable to six months' imprisonment. So, again, if there was a man who danced indifferently, but who prided himself on his dancing, and of whom it was said, that he could not dance at all, it might be held under this ordinance, that he had been libelled. By the law of England it was punishable to pain the feelings of a man's family by stating that he was dead; and this had been done in the case of himself, when it had been cried about that he had died under peculiar circumstances. There could be no doubt that this, for the moment when the party was at a distance, was calculated to give great pain; but it was not calculated to defame or wound the feelings of the person named, and, therefore, it was not punishable by the law of Malta. If this ordinance had undergone the least investigation by the Crown lawyers, it never would have received the sanction of the Colonial-office, nor of the authorities in Malta. Suppose an individual chose to apply such epithets to any of the Government men of those days, and to persist in their repetition, could any man doubt, that it would have been construed to be a libel? Could any man doubt, that the application of such epithets tended to wound the feelings? But this ordinance said "No," and for a curious reason,—because it is known to proceed from the ebullition of party animosity; because he must be aware of the light in which it is regarded by the public. Suppose that he was aware of its being regarded by the public in two lights, by one half in a favourable light, and by the other half in an unfavourable; and would any man say that such a publication did not tend to wound the feelings? The old-fashioned, straightforward, manly principle of the law of England made that a libel which wounded the feelings or lowered the reputation of an individual; it gave him his remedy by action, and he could punish by prosecution. The law of England was undoubtedly very bad, in some respects; it would not allow the truth to be given in justification under prosecution. Perhaps it was right, that it should make this restriction in an action. It should not be put in as a plea in mitigation; but it ought always to go as evidence to the jury. This had always been his expressed conviction; not so with the commissioners. Why, these sage legislators decreed that a man who merely hurt the feelings of another might be imprisoned for six months. Now that which might be very hurtful to the feelings of an individual might, so far as his moral character was concerned, be of the least possible consideration, and need he remind the House, that "*de minimis non curat lex?*" To say that a man was a bad orator, or a bad poet; to say that he could produce neither harmonious verse nor eloquent prose, might be extremely hurtful to his feelings—his vanity or (as the French termed it) his self-love. But who ever, in God's name, made that an offence to be punished by six months' imprisonment? Another, and an equally great, absurdity was with regard to the mode of publication. In order that a man might be punishable at all, the libel, according to the commissioners, must be written and printed. A libellous placard, therefore, exhibited in manuscript, was not punishable. The libel must also be published in the usual manner. If a man, therefore, called together 200 or 2,000 people, and read libellous matter to them from a book that was not a publication. The declaration of the meaning of the word "publishing" was altogether new "Exposing and offering for sale." What would they say of the case where the libel was offered for sale to parties who would not take it? The party to whom it was offered said, "keep the libel to yourself; I'll have nothing to do with it;" and yet that was construed to be a publication, as much as if it had been read, expounded, and communicated to 20,000 persons; acts of omission were punishable by the ordinance of these commissioners. If a party omitted to do anything which might have prevented the publication, he might be punished. This was the first time that non-feasance was punishable by law in these countries. If, ignorant of its contents, an individual laid a publication on his table, so that another might read it, and the publication happened to be libellous, he was punishable, but not with twelve months' imprisonment. Oh, no! he was let off with six months, provided he might, with care and attention, have made himself master of its contents. Let their Lordships only reflect upon this for a moment. Under such a law as this, they must tremble to receive letters by the post. There was no doubt unexamined letters lying on their tables; but then, with "a little care and attention," they might have made themselves masters of their contents, and they were, therefore, to be held punishable. On the same principle he might be held responsible for perhaps a dozen libels contained in a single newspaper reaching him by post, from which he had never torn the cover, and punished, according to the law laid down by these commissioners, with twelve months' imprisonment, because with "a little care and attention" he might have perused the whole of the newspaper writer's editorial lucubrations. If he published the fact of a man having been convicted of a felony, he would, according to this ordinance, be liable to twelve months' imprisonment, even although at the time of publication he held a copy of the warrant of conviction in his pocket. This was not the law of England. Then came the extraordinary chapter with regard to treasonable publications. A printed writing, exciting the people to subvert the Government by force, or to change it by force of arms, or to assist a foreign power, was treated by the commissioners as a mere libel. Why, it was an overt act of treason, in which the minor offence of the misdemeanour merged by the law of England. The commissioners argued for a whole page that it was not high treason. There was another part of the ordinance most objectionable; and although he did not like to weary the House by going into details, he felt bound to notice it. It held that an attack upon any description of religion was libellous. It stated:—

> "1. Any writing reviling, ridiculing, or otherwise insulting an essential or fundamental doctrine of the Christian religion—that is to say, a doctrine received by the generality of Christians of any church, society, or denomination. 2. Any writing reviling, ridiculing, or otherwise insulting any doctrine of the Roman Catholic church, or the government or discipline of the Roman Catholic church, or any part of its government or discipline, or any ritual or other religious observance of Roman Catholic Christians of any class or discipline. 3. Any writing reviling, ridiculing, or otherwise insulting any doctrine of the Established Church of England, or its government, discipline, or rites. 4. Any writing reviling, ridiculing, or otherwise insulting any doctrine of any church or society of Christians other

than the Roman Catholic church or the Established Church of England, or reviling, ridiculing, or otherwise insulting the government, discipline, or rights of any such church or society."

From this part of the ordinance, it was needless for him to state, that a Protestant could not say of the Catholic religion that it was a false religion, or was founded in error; nor could a Roman Catholic declare that the Protestant religion was an innovation and was not founded in truth, without rendering himself liable to punishment for libel. According to this part of the ordinance his late excellent friend, Mr. Wilberforce, would have been liable to punishment for what he said of the Socinians. He had ever regretted that his esteemed friend had used the expression, but having done so it was no doubt libellous under this ordinance. He said that Socinianism was the half-way house to infidelity. He was bound, however, in justice, to state that on some one remonstrating with Mr. Wilberforce on such a harsh expression being used by him, his excellent friend very good humouredly replied that it was also the half-way house *from* infidelity. This observation, however, would have been libellous by the Malta ordinance. To say that the Catholic worship was superstitious and idolatrous, as had been said by their Lordships in 1829, was surely to revile that religion; and yet this law would make such a declaration punishable by imprisonment; it was, however, highly tolerant; and, therefore, he did not much object to this part of it, since it erred on the safe side. But to all the other portions which he had enumerated he certainly did most object. In July, 1836, the Governor issued an ordinance announcing that it was the determination of the government to abolish the censorship in Malta, but how had that promise been fulfilled by the present ordinance? The law, as it was called, left men in perfect ignorance as to when they abided by it and when they disobeyed it. An editor in Malta might very fairly say, "If there was a censor, I should be, at all events, secure—I should know that whatever passes through his hands is safe. But here I am publishing wholly at my own risk; and I am to be confounded, first, by the text of this singular ordinance, and next, still more by the notes and commentaries." It was monstrous and ridiculous to call this the getting rid of the censorship and establishing the liberty of the press at Malta. Under the old law any books might be imported into Malta; but by the new law this could not be done without running the risk of punishment. The truth was, that the ordinance made the censorship more stringent and oppressive under the pretence of abolishing it; and this law, be it recollected, was administered, not by a jury, but by a single Maltese judge. If he wished for the abolition of the liberty of the press, he would require no readier means of attaining that object than the abolition of jury trial in libel cases. It was only the other day that a Maltese judge, being a Catholic, sentenced a man to six months' imprisonment under this law, for something disrespectful which he had said respecting the Catholic religion. It was for these reasons that he had felt it to be his bounden duty to call their Lordships' attention, at the earliest possible period, to the existence of this state of the law in Malta; and he had no doubt, if the Government should not agree to recal or suspend, for the purpose of reconsidering and improving this ordinance, their Lordships would be induced to send up an address calling upon the Crown to disallow it. He knew that it would be said that this would occasion delay—that it would delay a little longer the final liberty of the press in Malta; but after already a delay of three years since the promise was made surely a month or six weeks was not too much to ask, in order that the question might be properly settled. He should now say one word respecting the origin of all these blunders. These were not caused by the commission or by his noble Friend, but by the Council at Malta. If the Chief Justice had been still a member of that Council they would never have occurred. But he was not a member, and the ordinance was, as it were, swallowed whole. But why did he say that it would not have passed if the Chief Justice had been a member? Because he knew the learning, the talents, and the ability of that learned judge, and because he knew that he had been the cause of the rejection of another ordinance respecting the colonial revenue. The noble and learned Lord, in conclusion, begged pardon of their Lordships for having troubled them at such length, but he found that, in order to point out the absurdities and inconsistencies of this ordinance, it was absolutely necessary he should go into details. He had hoped, from the communications which had taken place on this subject, that he should have been spared the task of bringing the subject forward; and he could only say that, if the proposition of the Government were made out to the satisfaction of their Lordships, he should be one of the first to acknowledge that all which had been done was right and proper. The noble and learned Lord then moved, that an humble address be presented to her Majesty praying that she will be graciously pleased to disallow the ordinance relative to the liberty of the press in Malta.

Lord *Glenelg* said, that he trusted their Lordships would permit him to offer a few words in reply to the noble and learned Lord who had just sat down. After the eloquent and powerful speech which had just been delivered, he should have considered himself inadequate to follow the noble and learned Lord, if he had felt called upon to discuss all the details into which the noble and learned Lord had entered. Indeed, it was impossible for him to do so; for the arguments of the noble and learned Lord related in so great a degree to legal technicalities and considerations, that it would have been absurd in him to pretend to follow the legal investigations into which the noble and learned Lord had entered. His was a humbler task. It was his purpose to state to their Lordships the part he had taken in the transactions which had been brought under their consideration, and to lay before them the motives and considerations by which he had been prompted to follow the course which the noble and learned Lord had condemned. The noble and learned Lord had paid a just tribute of praise to the commissioners who had been appointed, and on whose recommendation this ordinance had been framed; and he, notwithstanding all that had been said by the noble and learned Lord, still adhered to his opinion, that the ordinance was a great improvement on the state of things which previously existed. Perhaps their Lordships might differ from him as to the policy of the course which he had felt it his duty to pursue; but, at all events, he had a perfect right to claim the tribute of praise which had been bestowed upon the commissioners by the noble and learned Lord, and by others, as a warrant for him for placing confidence in their judgment and talents, and for adopting the measures which they had recommended. And though it was not for him to cope with the noble and learned Lord in legal knowledge, or to enter into an examination of the legal terms of the ordinance, and the legal bearing of certain expressions which it contained, or to examine the alleged absence of analogy between the laws of England and the enactments of that ordinance, yet he could not but feel that the noble and learned Lord had very little ground for exulting in the superiority of the arguments he had used. He would not, at that time, enter upon the subject to which the noble and learned Lord had called attention—namely, the absence of the Chief Justice of Malta at the time the ordinance was under consideration, for that would come under discussion on a future day. All he could say was, that the recommendations of the commissioners which his noble and learned friend had condemned, had been maturely considered, and had been supported by the highest authority, and notwithstanding all that had passed, he was still prepared to defend the measures which had been adopted. But what was the real question relative to the ordinance which their Lordships had to consider? The noble and learned Lord had said, that the state of things under the ordinance was worse than under the censorship. But what was the fact? The censorship amounted to a complete suppression of all political discussion, and he, for one, could not suppose anything more calculated to irritate the people, and to prevent their improvement in morals or in freedom, than the total suppression of comment and discussion on the measures of the Government. When he looked to Malta, and when he considered the evils of which the people had complained, and the many and great abuses which had grown up during the last twenty or thirty years—when he reflected that, although a dependency on this country, the Maltese had been deprived of the exercise of the functions of government, and that all the honours and offices of the colony had been assigned to persons from this country—when he remembered that the people of that dependency were ground down by heavy taxation, and when he considered, at the same time, that the duties of the different offices were not executed by those who held them—that, in fact, they were mere sinecures, the duties being performed by the natives—when he reflected that the charities had withered, and that national education had decayed—when he considered all these things, and when he reflected on the great improvements which had taken place throughout the world, then he felt justified in saying that much of those great and growing evils must be attributed to the previous absence of the possibility of public discussion on all measures involving the welfare of the island, and the prosperity and happiness of the people. He would ask whether, looking back on the history of this country during a period of one hundred or two hundred years, the improvements which had taken place, and the corrections of evils which had been effected, were not mainly owing to the press—to the public discussion of the measures which were carried on for advancing the prosperity of the country, and which discussions had ever had a most important effect on those who possessed the administrative power. When he looked to the state of Malta, could any degree of legal ingenuity or argument close his eyes to the reality which was presented, and could he believe that that which in all other countries tended to depress the people, and to deprive them of the blessings of civilization—could he believe that the absence of the liberty of the press, which in all other countries had been productive of disastrous consequences—that the complete extinction of public discussion had, in Malta alone, been productive of no evil consequences? The noble and learned Lord had said that the present state of the law under the ordinance was worse than under the censorship; but he must, in this particular, differ entirely from the noble and learned Lord. Under the censorship, the extinction of public discussion was complete—so complete that no law of libel of any kind existed. Libel was impossible when discussion was absolutely and entirely prohibited, and the legislature had never contemplated the establishment of a law of libel; for it was not necessary that they should provide a remedy for an impossibility; and libel in Malta was utterly impossible. They suppressed, as it was said, all discussions, and published an ordinance most oppressive in its character, and calculated to excite suspicion, and to give ground for believing that there was something in the measures of the Government which required to be concealed. But then it was contended that they had admitted foreign publications, and this was called public discussion, and was said to have produced the same effect as if discussions on the measures of the Government had been carried on by the people of the island themselves; but such reasoning was at variance with experience, and one effect of this admission of foreign publications had been found highly impolitic. It had been found that, whereas public discussion was carried on by means of accusation and defence, those foreign publications were the works of the most violent agitators: the grossest exaggerations in consequence had been printed relative to the measures and conduct of the Government. And what was the consequence? The Government had felt it to be their duty to suppress all discussion. Even the Gazette the organ of the Government, excluded all discussion on the measures of the Administration. They prevented the publication of all censures upon their measures, and in consequence they excluded from the Gazette all defence. They had thought it unfair to admit a defence without admitting the accusation also. The consequences of this course were most disastrous, and the Government of this country had felt called upon to provide a remedy. Now, respecting the merits of the present system, he should not detain their Lordships by any discussion on the subject. He knew that the censorship was productive of the greatest evils, and he was therefore not disposed to argue when a remedy had been applied, whether such a law as had been established was or was not better than that which had previously existed. The censorship had been universally condemned, and was to be abolished, and the question was, what was to be the substitute? Now he would assume, that as long as the law admitted the principle of discussion, considerable improvement must be made in the progress of freedom. The noble and learned Lord had told them that liberty had retrograded in consequence of the law which had been established, but he was bound to dissent from that opinion, because, whatever might be the defects of the ordinance, when he looked to the previous state of Malta, he could not but feel that a sensible advance in improvement had taken place since the ordinance had been framed. The censorship being abolished, the question which the Government had to consider was, what law were they to establish? Now, it was not for him to discuss the merits of the English law on this subject, and he was unequal to such a task; but when it was contended that they ought to have transferred the English law of libel to Malta, he confessed he was utterly unable to comprehend how such a course could have been adopted. He knew not where the English law of libel was to be found, he knew of no statute which told what libel was or on what it depended. He knew that there were decisions of judges eminent for their learning and their knowledge of the law on this subject; but of late years something had superseded those decisions, and since the law of Mr. Fox, he believed the libel law had rested not on statutes, nor on the decisions of judges, but with the juries before whom cases of libel had been tried. The law of libel had become a question of sentiment, and had of late depended upon public feeling. He knew that there had been instances where the verdict of a jury had superseded the decision of the judges. The law of libel in this country was a law which pre-supposed a considerable degree of enlightenment amongst the people, and it was to be found in the common sense and honest and conscientious opinion of a jury. Now he would ask how, or in what shape, could that law be transferred to Malta? The noble and learned Lord had said, that the ordinance abolished juries.

Lord *Brougham*, had only complained that it did not introduce them.

Lord *Glenelg*—Well, that it did not introduce them. Now he was very far from contending, that because they could not have the complete machinery of the English law in Malta that therefore there should be no approximation of the laws of Malta to those of England. On the contrary, he was anxious that they should be assimilated; and the attention of the commissioners had been directed to the subject of the introduction of juries into the island. But after full and mature investigation and deliberation, they had come to the conclusion that Malta at present was not prepared for the introduction of that system; but they had also stated, that if it was resolved to establish that system, it might be tried first as an experiment. He thought his noble and learned Friend had confounded two separate and distinct questions. He admitted that if they could find in Malta the materials for a jury, it might have been better to adopt that system, but it was no answer to the arguments against the adoption of that system to tell him that they might have selected better machinery. The question was one entirely of experiment, and he could not understand why the recommendations of the commissioners should not have been brought into operation. The course then to be pursued, as it was not possible, from the want of machinery, to introduce the law of libel, was, if possible, to obtain from persons acquainted with the wishes and conditions of the people, and eminent in the law, a form of laws such as their general knowledge enabled them to frame, and adapted to the wants of the people, and such, at the same time, as would be intelligible to the legal practitioners and to the judges in Malta. Such were the reasons for the course which had been adopted, and such were the objects at which the Government had aimed. Accordingly commissioners had been appointed, and those commissioners, with their profound knowledge of the state of the country, and with the wishes of the people, and with an intimate knowledge of the laws, had applied themselves with the utmost diligence to the subject, and after most mature deliberation had presented a plan which had been recommended by the judges as an assimilation to the English law, and which was at the same time acceptable to the people. It was, in fact, acceptable to all classes, and in perfect accordance with their wishes, and calculated to promote their welfare and happiness. It had been said, that in this matter the wishes and feelings of the inhabitants and population of Malta ought not to have any weight. But could that argument be really urged with any hope of success? Small, indeed, was the population of Malta, as compared with the other colonies, but still the island of Malta had a numerous population—a population which well deserved the attention of the Government. In past times, in the intercourse with Malta, in speeches delivered in Parliament, and in official documents, the Maltese population had been recognised as being entitled to the good offices and attention of the British Government; that title had been recognised, and it was the duty of the Legislature to attend to the interests and aim at the improvement and enlightenment of that portion of the British colonial possessions. He repeated, that those rights had heretofore been admitted, and upon them he must again insist, because in the disquisitions which had taken place on this subject, it had been of late but too much the fashion to treat with contumely and contempt, the views, the feelings, and the wishes of the Maltese population. Malta, was not so treated in former times, nor at the period when this country gained possession of her. Look at the peculiar tenure under which Malta was now held by the British Crown. Malta was not a possession the result of a conquest. Malta, when it belonged to the French, resisted French usurpation, and appealed to this country for aid. Great Britain furnished auxiliaries, and with the Maltese had blockaded Valetta, and to those united forces the French surrendered, and then the Maltese people, by their own act and authority, voluntarily assented to the protection of Great Britain. In that light the rights and privileges of Malta had ever since been regarded, and it was peculiarly the duty of Great Britain to take care, that the principles of British freedom and the full benefits of British legislation should be brought into operation in that, even above all other dependencies of the British Crown. To this England was bound by her own declarations and promises made at the various periods to which he had already alluded. Therefore it was, that he attached great weight to the general application which had been made to the Government on the part of the Maltese population on this subject. His noble and learned Friend had entered at great length into the matters and points urged in the commentary attached to the ordinance, Now, it was very easy, in dealing with a document of that description—a document which entered into so many minute details—it was very easy for a person of the talent and eloquence of his noble and learned Friend to find various topics for animadversion, and numerous materials for humorous satire. Nay, some of the most eminent works on the subject, could scarcely escape determined assaults of the nature of those which his noble and learned Friend had directed against the commentary. He admitted, that commentary might be open to censure in various ways; it might push too far that delight which able minds felt in following out a subject to which their attention had been long and interestedly directed? but he called on his noble and learned Friend to say whether, in spite of all those applications—in spite of the feelings excited by the humour of the moment, or by transient invective, that commentary would not remain a monument of great ability, of deep investigation, and of powerful discrimination, and able development of the true principles which ought to guide legislation. Therefore, notwithstanding what had fallen from his noble and learned Friend, he must say, that the commentary had been most advantageous, not only to the people of Malta, but to those who practised, and the judges who administered the law in that island. The course which he had taken, he had felt would be beneficial to the whole population. He felt, that the ordinance would extinguish and crush the expression of public opinion which had previously existed, and would divest the population of the bondage under which they had previously laboured. It would require more legal knowledge than he possessed, to enter into a dispute with respect to many of the disquisitions upon which his noble and learned Friend had enlarged, but he could not help observing, that however vigorous his noble and learned Friend had been in his attack upon the disquisitions and commentary, he had treated the ordinance itself with great moderation and temper. He had expected, that his noble and learned Friend having exhausted so much of his talents and eloquence on the commentary, or appendix to the ordinance, after disporting, as he might call it, with the commissioners, would have made a powerful attack upon the ordinance itself. Not so, however; his noble and learned Friend having exhausted the powerful artillery and magazine of his eloquence upon that which seemed to him to be inadequate to the violence of the exertion, failed in his attack upon the ordinance itself, and had touched gently and lightly upon those particulars on which he (Lord Glenelg) had expected the severest censure. His noble and learned Friend had, on a preceding evening, stigmatised the ordinance as destructive and fatal, because under it a recent condemnation had taken place in Malta; but he had not much enlarged on that point on the present occasion. He felt it his duty to state with respect to the enactment of the ordinance under which that condemnation had taken place, that his noble and learned Friend ought to have examined that enactment, not merely by itself, but with reference to the state of Malta, and the existing feelings of the Maltese population. His noble and learned Friend had brought many charges against the ordinance—charges respecting its enactments against censures on private individuals and foreign sovereigns, and he had especially directed his eloquence against the enactment respecting irreligion. In that enactment he (Lord Glenelg) could not avoid avowing his full concurrence—for what did it do? Did it prohibit any discussion—did it prohibit examination into the truths of religion? No, but it prohibited the reviling and insulting the existing religion of the country, and allusion had been made, he meant the Chief Justice and the Attorney-General of Malta, of whom he wished to speak with every possible respect, he had seen those gentlemen, he had heard their story, and he had read their statement, and he concurred in the decision of his noble Friend, that their continuance in the enjoyment of their offices would not be advantageous to the Maltese community. That conclusion had not arisen from any doubt as to the qualification of those gentlemen to perform the duties of their offices, but from the fact, that they were overpaid servants of the public with very inadequate duties to perform. In reference to the question before the House, the noble and learned Lord had addressed their Lordships with great ability, and had, no doubt, attained his object in delivering that speech; and it was now for their Lordships to decide what interference they would think justiable on their part with the ordinance in question. The noble and learned Lord had treated with unmerited severity two able men who, if they had not altogether succeeded in bringing to perfection the details of a system of law to the principles of which there was no objection, had certainly endeavoured to make it adequate and applicable to the object for which it was designed. And, tried by that test, there would be found nothing in relation to the ordinance which might not be fairly left to the modification of the Government in all of its details. The noble and learned Lord had, on four different occasions, varied the terms of the motion which he had now brought under the notice of their Lordships. He had said, that he should that day call for the positive disallowance of the ordinance. The notice which he gave yesterday was for re-consideration. Now the motion was for an Address to the Crown, for the disallowance of the ordinance with a view to its re-construction. [Lord *Brougham:* Re-consideration.] Well, although his opinion on a point of order was of little authority, because he was comparatively unacquainted with the forms of the House, he should think that such a motion as that was entirely without parallel. He should think that a motion for an Address to the Crown either for the positive disallowance of an ordinance, or for its re-consideration, or for its re-construction, was one of a very unusual form. The noble and learned Lord had, on a former day, called his attention to an Italian newspaper containing a copy of the ordinance, and asked him whether it had or had not been disallowed. He told the noble and learned Lord that it had not, but that it was not confirmed; and that, in deference to the opinions by which it was recommended, and the manner in which it was sent out by his noble Friend who preceded him, for consideration and adoption with certain modifications, which might be considered a proper, though the only proper qualification appended, and in deference to those local authorities who considered it applicable to the condition of Malta, he said he thought it was right, that her Majesty's Ministers should advise the Crown not to interfere until this law had been some time tried, and until the Governor had a further opportunity of reporting upon its operation and effects. The next day the noble and learned Lord came into the House with another Italian newspaper, and read an extract from a trial for libel, and commented upon the concluding words of the libel for which the person tried had been convicted. The libel was in English, and the first and last words were copied into the Italian newspaper. The words on which the noble and learned Lord had commented were these:—"A system of religion which leaves the mind at a loss to decide whether it is better than no religion at all." That was the ground upon which the noble and learned Lord founded the motion, which now, for the reasons he had given, he had varied. Now the whole libel was printed in an English newspaper called the *Harlequin,* and ran as follows:—

> "Without going into the merits of the proofs of the divine authority of Christianity, we may affirm fearlessly, that religion is necessary for mankind. Without the interposition of religion men cannot be governed: the race of human beings would perish in the disorganization and crime which would then follow; and a greater service cannot be done to the world than to devote time and talents to the support of religion. In the present case there can be no doubt, no uncertainty; and we defy the world to produce a more unexceptionable and pure faith than the Protestant faith as established in Great Britain. And though we may have no faith—and God knows our faith is not very strong—'

Such were the words of this Protestant advocate, and he was sure the noble and learned Lord himself would not but feel opposed to such a state of feeling,—

> "Though our faith is not very strong, we cannot but rejoice at the thoughts of there

being set up in Malta the Christian religion against a system the most detestable that the world ever saw—a system which leaves the mind at a loss to determine whether it is better than no religion at all."

The noble Lord had already addressed the House upon this subject, and he was sure, that all who were acquainted with Malta must be aware that if any of our possessions required a law to restrain publications of this description it was Malta. There were peculiar reasons why a publication of such a libel, at such a moment, should not take place, and he thought, that this publication having been made, fully justified the prosecution which had been authorised by the gallant general the governor of the island. There was an attempt to connect this subject with the act which the right rev. Prelate (the Bishop of Exeter) had justly characterised as an act of the greatest beneficence, and he was convinced, that there was no one person who would regret such a perversion of the motives which had actuated the illustrious lady in question more than he should, because it must be recollected, that this was in connection with the establishment of a Protestant Church, and it was highly improper that she who had acted with the purest feelings of beneficence, should be stated as having done so "against a system of religion the most detestable the world ever saw." With respect to the libels upon private character, he would fairly say, that there were words in the ordinance which were at this moment under the consideration of Government. Some of the words mentioned by the noble and learned Lord had struck himself as being too wide, and as being inapplicable to the purpose for which they were introduced — the word "censure," for instance. But he would not trust himself to comment upon the particular objections which might be made; it was to the principle only that it was necessary to allude under the peculiar circumstances in which the island of Malta was placed, not only in reference to religion, but to private character also; and he was told, that there was a degree of horror entertained among many of the private families of the island that they might be exposed to the system of persecution in their domestic comforts and their social arrangements from being subjected to that from which he regretted, that in this country, the public were not free. He was aware that no one had more strongly stated his objection to this abuse of the liberty of the press in England than the noble and learned Lord; but it was here a sort of second nature, and many of its abuses were tolerated from custom. In a spot, however, so confined as Malta, with a population so limited, with no great events in which the sense of private injury was lost, and where the newspaper had literally few resources without the publication of these unmerited insults to which the public were exposed, he thought that an ordinance of this nature was most essentially necessary. If the House, then, wished to act in accordance with the feelings of the people of Malta, and to save private character from scandal, and from systematic attacks, such as the publisher of this libel had threatened against every person in the island, they would adopt some such law as that which had been framed, although perhaps its very terms might not be adhered to. Having said thus much with a view to shorten the discussion, he should not trouble the House further than to say, that if this law were left to the consideration of her Majesty's Government, it would receive the same degree of attention which had hitherto been paid to it by him and by his colleagues; and while they adopted such a law as they should consider most wholesome and most applicable to the object in view, they would take care also not to undo what they had already done—not to re-establish a censorship of the press, which had been removed by this very ordinance, the effect of which would be to destroy and render valueless all those funds which had recently been invested in the establishment of new journals, and really to make that retrograde movement in legislation as what the noble and learned Lord had characterised the enactment of the present ordinance.

The Duke of *Wellington* said, that being unwilling at all times to trouble their lordships with his observations, and more particularly upon questions in which the prerogative of the Crown was involved, he confessed that he should have been anxious so avoid touching on this subject at all, had it not been for some remarks which fell from the noble Baron (Lord Glenelg) in the course of what he stated. The noble and learned Lord had advanced in an unrivalled speech, his objections to this ordinance, and had moved for an address, to entreat her Majesty to permit the ordinance to be disallowed, for the purpose of having its different parts reconsidered. The noble marquess, the Secretary for the Colonies had stated, that when first this subject was brought forward by the noble and learned Lord, he had informed the House, that the ordinance was under consideration, and that it had not been rejected, nor had it been confirmed; but further, that the Governor, having been desired to carry it into execution, had been desired also to report upon it, and that her Majesty's Government would take the subject into consideration after having received the report of the Governor as to the working of the ordinance. The noble marquess had repeated the same statement just now, and said, that the subject was still under the consideration of the Government; that the ordinance, at present, was in course of execution in Malta, that the Governor would report upon it, and that it would be taken into consideration by her Majesty's Council when the report was received, and that they would act accordingly. Under these circumstances, he felt himself dispensed from the necessity of voting for the Address; and certainly, considering it as a matter entirely for her Majesty's Council, he should suppose that the proper course for the House to adopt would be, to request the noble and learned Lord, in consideration of what the noble Marquess had stated, to withdraw his motion. But he (the Duke of Wellington) was particularly anxious to address their Lordships upon what had fallen from the noble Baron. He was one of those who had always thought, that if there existed any part of her Majesty's dominions in which a free press was not necessary, Malta was that part. Our business there was to maintain a garrison, and a great naval station. Malta contained a population of 100,000 persons, for whom he entertained the highest respect and regard, being convinced that her Majesty had not better or more devoted subjects than they were. It was the duty of Government, and the duty of that House, as far as it could, to superintend the good government of the people of Malta. The good government, he said, of the people of Malta—a people who talked the Maltese language, and the Maltese language alone—a people of whom not one in 500 could read a line. Surely, of all the institutions of this country which were least necessary for a people of that description—and he declared his belief that that was a true description of the people of Malta—he ventured to assert a free press was that one institution. He did not dispute with the noble Lord on the third bench (Lord Glenelg), and above all, with the noble and learned Lord who had brought forward this motion, the advantage which might be derived hereafter by the population of Malta from a free press, but he believed that it would be admitted, that there were other institutions—that of education, for instance, and others of a like description, still more necessary for the happiness of the people, and which besides it would be requisite that they should receive, in order to render that of a free press useful to them hereafter—he said useful to them, much less advantageous, and therefore he contended, that they should receive the advantage of education before a free press was conferred upon them. He had stated what he believed to be the facts on a former occasion, when the question was under discussion. A certain liberal set of gentlemen, however, in this country, thought that a free press in Malta was exceedingly desirable, not for the sake of the advantage of Malta, but for the sake of the advantage to be produced on the people of the neighbouring coasts of France, of Spain, and of Italy. With respect to the advocacy of a free trade in Malta, he acquitted the noble Baron (Lord Glenelg)—nay, more, he acquitted all the noble Lords opposite of entertaining this question in their minds, at the present time; he believed that they had had enough of private war; he believed that they now saw the advantage which would have accrued to this country, as well as to other parts of the world, if they had never undertaken any private wars, either with those parts of the world, or with countries nearer home. He acquitted them of any such intentions at the present time, but he did not care at what time those intentions were entertained as to the objects of a free press, because he said, that all such objects were inconsistent with the interests and the honour of his country. They were inconsistent with the interests of this country. He maintained—and he had always maintained—that the interests of this country essentially depended, not only on maintaining peace for itself, but also on maintaining peace among other nations, and upon preventing any possible disturbance among other nations; and he said also, that the power of this country depended upon not exciting to insurrection and rebellion in other countries, while at the same time it was asserted by the government, that we were ostensibly, and in fact, at peace with those nations. These were the grounds on which he had always objected to a free press in Malta. First, because the intention of its enactment was not for Malta, but for the neighbouring coasts of France, Italy, and Spain; and next, if they were to have a free press in Malta, in God's name let it be a press in the Maltese language; and he would venture to recommend to the noble Marquess opposite, if he would listen for a moment to his recommendation, that if Government were about to amend the ordinance, he would have the kindness to insert a little paragraph, to enact that the press to come under the regulations of this ordinance must be in the Maltese language, and that he would also take care that the ordinance itself should be drawn up in the Maltese language. He had not, however, as yet performed the duty which had induced him to trouble their Lordships that evening. The noble Baron opposite had stated, that he considered a free press to be necessary in Malta, on account of the long period of misgovernment which he stated to have taken place in Malta, and of the sinecures which had been held by persons introduced from England. He must say, that he could not exactly see how this press was to save the people of Malta from the occurrence of such evils for the future; and there was one remark which he must make upon the latter part of the statement. If the island of Malta had for a long period of years required such a remedy as a free press, he begged to remind the noble Lord, that during a great part of that time, the island had been under the noble Baron's own government—at all events, he thought that the noble Lord had been in office under the governments of those who had misgoverned Malta for this long period of time—it was for a period of not less than twenty-five years, and a short time, about a year and a half, under himself (the Duke of Wellington), and when he had the misfortune of losing the confidence of the noble Lord; for whatever else it might have been it certainly was not on account of the misgovernment of Malta. He thought, therefore, that it was strange that while the noble Lord was in office supporting the Government which he now said had misgoverned the island, it had never occurred to the noble Lord, that before March last they ought to have established a free press in Malta. He begged leave to give a different account of that island. He had reason to know something of the island of Malta; he had had opportunities of trying its resources; and, instead of being an island which was misgoverned, he must say that, in his intercourse with Malta, he was astonished at the excellence of its government, at its immense resources of all descriptions, and at the readiness with which those resources were furnished to his Majesty's forces and his army, to enable them to carry on the war against his enemies. He said this, because it was but justice to the Maltese, and to those noble and hon. persons who had governed Malta and this country. He said, then, that he had known Malta up to a period of little more than twenty years; and he really believed, that on the whole globe there was not a place of the same extent and of the same population which possessed one thousandth part of its riches, or its resources of all descriptions. At least, when the noble Lord talked of the abuses of the government of Malta, he ought to remember the period of its prosperity, and ought to have stated something of that prosperity; and he was sure that the noble Lord would, with his usual candour, forgive him for directing the attention of the House to such facts. He thought, in reference to the question then before the House, that it was where it ought to be, in the hands of the Government. If they thought proper to establish a free press in Malta, he could not help it; but he had no desire to press the motion before the House, or to do anything to interfere with them. He entreated them, however, to remember the whole state of the island of Malta, and of that garrison of great name and station. They had great duties to perform to hold the place, and it was the duty of the Government to keep possession of Malta according to the laws, and to promote its prosperity by every means in their power; and he said, that if a free press were required to promote its happiness and prosperity, let it be a Maltese free press, and not an English or an Italian press.

The Earl of *Ripon* said, that as the noble Baron and the noble Marquess opposite lectured him for his intended motion, he would ask them, whether they knew what that motion was? For, from what fell from those noble Lords, he thought that they had quite mistaken the nature of that motion; whether it was injudicious or not, it would be quite time enough for them to decide when they had heard his statement in its support. As to the present motion, it had been so exhausted by the discussion that had taken place—all the objections to the ordinance had been so well stated by his noble and learned Friend—all that could be said for it had been so well said by the noble Lord the late Secretary for the Colonies, and all the main objections had been admitted by the noble Marquess opposite, that it would be preposterous for him to make any further remarks. He thought that great attention was due to the important observations which had been made by his noble Friend as to the situation of Malta, and to the difficulty of applying to such an island all the principles belonging to that free system of which we were justly proud, and which prevailed in this country. He wished, however, to say one word as to the doctrine which had been advanced by the noble Lord the late Secretary of State, and which seemed to be founded on a statement of the commissioners as to the mal-administration of the government of Malta. He thought that the accusation had escaped from those Gentlemen in the hurry of composition. In page 41 of their report they stated this, with reference to the removal of the legal officers "The island was not governed before the appointment of the present governor with the requisite regard to the reasonable wishes of the people." This statement of the two Gentlemen who acted as commissioners was not warranted by the facts. If the serious imputation was made against the local administration of the island of Malta, that nothing had been done with a requisite regard to the reasonable wishes of the people, he would take upon himself peremptorily to deny its accuracy. He need not deny it for himself; but he did it on behalf of the late governor, Sir Frederick Ponsonby—as excellent a man as ever lived, an admirable governor, a man of political principles which in that day were deeed liberal, and who had acted up to the principles which he professed; and it was too much for the two gentlemen who were sent out as commissioners to heap censure on one who, unfortunately for Malta, unfortunately for this country, and unfortunately for himself, could no longer defend himself, because he no longer lived.

Lord *Brougham*, in reply, said, that he also disagreed with the censure which the noble Earl had pointed out, and referred to the acts of the different governors of late years, as having shown a contrary course of conduct. The noble Marquess had charged him with having altered the form of his motion; but he could see no real difference between the four forms of notice which he had given, all of which were intended for the reconsideration of the ordinance. The noble Baron had said, that he had flinched from his duty in not commenting upon the ordinance; but his whole address was directed to the words of the ordinance, and he had only used the notes when commenting on the text, or as showing that his own views of the interpretation to be put upon the ordinance corresponded with those of the commissioners. He was delighted, however, that the ordinance was to undergo the reconsideration of the Government, and he would therefore repeat his main objection that it did not go far enough in one direction, whilst it went too far in another. He said let there be an intelligible description of one kind of libels—let there be a punishment for anything that slandered, or defamed, or turned a person into ridicule—for it was a libel to expose a man by ribaldry to ridicule. This was not done by the present ordinance, and there was no public prosecutor to conduct the prosecutions that might be necessary under it. The question of the ordinance, as it affected religion, was a very difficult one. In common with the right rev. Prelate, he did not believe, that there was any part of her Majesty's dominions in which the Catholic religion could be established as a dominant religion, as it was in France prior to the edict of Nantes. The noble Baron had said, that the very religion was slandered, under which the person who slandered it, was tolerated and suffered to remain in the island. But was the Catholic religion so established as the dominant religion in any part of her Majesty's dominions, that the people professing other creeds could be turned out as they were in France? He ventured to say, that such was not the law, and that if this doctrine were attempted to be set up, it would fail. But in one sense undoubtedly the Catholic religion was the established religion in Malta—it was the religion of the great majority of the people. Under the ordinance, however, all forms of Christianity were equally protected,—the Protestant as well as the Catholic; and it was as much a libel to ridicule or defame the Unitarian as the Presbyterian faith. He admitted, however, that this was a delicate and difficult subject to deal with in debate, when expressions calculated to do mischief might inadvertently escape. He admired the tolerant and liberal spirit in which that part of the ordinance which related to this subject had its origin; but he thought, that there would be a difficulty in carrying it out. He trusted, that the ordinance would prosper under the consideration of her Majesty's Government, and that they would leave in it much that was good, and as little that was bad as they possibly could. There was much truth, however, in what had been stated by the noble Lord, that this was the first time, that there had been any attempt to make a code of the libel laws. It was easy to pick holes in the first step, but it was not so easy to take the first step itself; and he gave the full benefit of that observation to the commissioners, who had succeeded moderately, though only moderately in their first attempt, which it was impossible could have been absolutely perfect. Under all the circumstances, therefore, he would acquiesce in the suggestion of the noble Duke, and leave the whole matter for the promised consideration of the Government.

The Marquess of *Lansdowne* had no desire to make a speech, but as the noble and learned Lord had, in the course of his address to their Lordships, said, that no provision was made to meet the case of ridicule or personal reviling, he would refer the noble and learned Lord to the code; and he would find at page 76 those offences in express terms referred to. The offences there enumerated, were—"any writing censuring any person in any private capacity, or reviling, ridiculing, or otherwise insulting any person in any civil capacity whatever." He therefore did submit, whatever amendment this code might require in other respects, that in this very important particular it required no amendment at all. The noble and learned Lord had likewise alluded to the want of a public prosecutor in cases of libel; but this case also was provided for by the code, a public prosecutor being appointed to conduct the suits instituted under this ordinance, and to carry the law into effect.

Motion withdrawn.

HOUSE OF COMMONS,

Tuesday, April 30, 1839.

City of London Police.] Sir *Matthew Wood* presented several petitions from various quarters of the city, in favour of the City of London Police Bill. He hoped he should receive the indulgence of the House while he expressed the humble expectations of the petitioners, and his own, that the bill which the Corporation of London wished to introduce for the improvement of the city police might be allowed to proceed through its different stages. The committee, to whom the usual petition for leave to bring in the bill had been referred, had refused to recommend that the standing orders should be suspended. He begged to state to the House, that the Corporation of the City of London had been deprived of the power to give the requisite notices within the time prescribed by the rules of the House, owing to their having been kept in ignorance by her Majesty's Government of their intentions—whether they intended to bring in a bill to regulate the police of the City, or to leave that matter in the hands of the Corporation. The Committee on the standing orders had refused to allow the standing orders to be suspended, and had resolved to adhere strictly to the rules of the House by a majority of one. Under these circumstances he thought it would be extremely hard if they should be shut out also by the House. The noble Lord had intimated that the clauses which related to the city police in the Bill which he had introduced would be withdrawn, and the Corporation were, therefore, now anxious to have themselves protected by an efficient police force under their own management; and the bill which they were desirous to proceed with contained clauses which would secure to the city of London as efficient a force of that description as it was possible to have. He begged also to mention to the House that there was a precedent for the motion which he had the honour to submit to the House in an Enclosure Bill, where the promoters were allowed to proceed with their bill, although they had been refused by the Committee on standing orders. The hon. Baronet concluded by moving that leave be given to bring in a bill for the improvement of the police of the City of London.

Mr. *Hawes* said, that he wished to call the especial attention of the House to the petition which had just been presented by the hon. Baronet, the Member for London, for the suspension of the standing orders. He wished to state and expose the allegations in the petitions, which he should show were not consistent with strict truth. If he should be able to convince the House that the Corporation of the City of London had asked the House to interfere upon grounds which were not tenable, nor consistent with veracity, he thought he should induce the House to pause before they agreed to the prayer of the petitioners.

The petitioners stated, that they had been prevented from giving the regular notices by not having been made acquainted with the intentions of Government; that in consequence of what had fallen from the Government previous to the termination of the last Session, they had not given the notices required by the standing orders, as it was as stated in the petition, impracticable to ascertain how far the interests of the city might be affected by the proposed measure. The evidence of the City Remembrancer clearly disproved that statement. On the 23rd February, 1838, Lord John Russell addressed a letter to the City Remembrancer, informing him that the Government were of opinion that the city police should be placed under the charge of the commissioners of the metropolitan police. Again, on the 26th March, 1838, the Under Secretary of State wrote to the same purpose. What did the city do? It ordered that copies of the resolutions of the Court of Aldermen, in consequence of these communications, be laid before the Select Committee of the House of Commons, and that the day and night police committee be empowered to give evidence. Members of this committee did give evidence before the police committee, and it was, therefore, not strictly correct on the part of the city authorities to say, that they were ignorant of the intentions of the Government, officially communicated; that they were not cognizant of facts which had occurred so long before the time, when the standing orders of Parliament required the notices for private bills to be given, and which had happened under their own immediate knowledge. The statements in the petitions were not more veracious in other respects, and they had shown no sufficient grounds for the interference of the House; they simply said, it was "a necessary measure." Now he contended, there was no necessity for it whatever, because the petition of the city presented to the House only a short time ago stated, that what the bill proposed to do had been most completely and effectually done, to the satisfaction of the citizens of London. The necessity, therefore, was not proved as alleged. It was clear, from what he had stated, no case was made out, and that notices might have been given. In fact, the allegations of the petition were not consistent with veracity. On this measure no one had been more misrepresented than himself, and he must add, that no public measure had found opponents so entirely ignorant of both its principles and details as the general measure for placing all the metropolis under one police. In the city petition, which was now under discussion, it was stated, that the subject of police had been well discussed and understood. How stood the fact in reference to this statement? Why, the address voted to the Crown, and carried up to the foot of the Throne with all the gew-gaw display of the city, stated, that the bills proposed to interfere with the city magistracy — a statement wholly inconsistent with the truth. Neither bill, nor any clause in either of the bills, proposed to interfere, in the slightest degree, with the city magistracy. In fact, the petition did not justify the suspending of the standing orders, and could not be relied upon.

Mr. *F. Maule* was in favour of the suspension of the standing orders, upon the ground that it was impossible to leave the police of the City of London in the state in which it had been previously, or in the altered state in which it was at present, without some legal enactment.

Motion agreed to.

NATIONAL EDUCATION.] Lord *Stanley* had, he said, to ask a question of the noble Lord the Secretary for the Home Department. He had in his hand an extract of the proceedings of the committee of the Privy Council, for superintending the application of sums of money granted by Parliament for the purpose of promoting education. This purported to be an extract from the minutes of the Council. He presumed that the noble Lord would have no objection to lay before the House a copy of the Order in Council by which the committee was constituted. He wished to ask the noble Lord a series of questions:—First, was it intended that the committee of the Privy Council should have the disposal of sums to be applied for hereafter to Parliament, or of sums appropriated by Parliament before the scheme of the noble Lord was adopted? Next, when it would be necessary for the noble Lord—and he concluded it would be so necessary—to ask, in the course of the present Session, for a vote of Parliament to carry the scheme into operation? But, as in the third case the estimate would be brought forward among the miscellaneous estimates at a late period of the Session, when no opportunity would be afforded for discussion, and when the subject would be taken up as a mere money question, he wished to ask the noble Lord, whether it were the intention of her Majesty's Government, at an earlier period, and in a more formal manner, to invite the attention of the Legislature to the merits of the scheme? If the answer was in the affirmative, it would be saving him any further trouble; but if the answer was in the negative, then he should give notice that it was his intention to bring forward a motion upon the proposed plan of education, so as to elicit the opinion of the House, either in its favour or against it.

Lord *J. Russell,* in reply to the noble Lord, said, first, that there was no objection to the production of the Order in Council appointing the committee. It went no further than to declare certain officers of State as a committee of the Privy Council for the purposes of education. With respect to the question as to the funds hitherto voted, his answer would be, that there was to be no disposal of the funds at the discretion of the committee except in the manner in which those votes were applied; namely, that a certain portion should be given to the National Society, and a certain portion to the Foreign Schools, for the purpose of building and establishing normal schools. With respect to the disposition of any other sums of money, a vote would be required from Parliament before the committee would feel themselves at liberty to proceed with any further arrangement. As to the last question which had been asked by the noble Lord, he must say, that it was decidedly the intention of the Government to propose a separate estimate, containing no other item, except that which was to refer to sums to be granted for the purposes of education. On a future day notice would be given, that the House should resolve itself into a committee on that estimate alone, taking that sum, and no other, as a part of the miscellaneous estimates, or at all events taking that as the first question.

Lord *Stanley* felt no difficulty as to the first portion of what the noble Lord had just stated; but as to the last part of his explanation, he wished to know at what period of the Session the noble Lord meant to bring forward the estimate on education. He wished to take the liberty of stating, that the time the last sum on education was voted was on the 5th of August, and it was not to be supposed they would have the entire and deliberate opinion of the House upon a plan which made such a momentous change in the system of education in this country. He, therefore, had to express a hope that the noble Lord would at an early period take the opinion of the House upon a resolution embodying his plan.

Lord *John Russell* replied, that he certainly did not mean to postpone his resolution to the end of the Session. He hoped to be able to bring it forward in the course of six weeks.

The Chartists.] Viscount *Dungannon* had a question to ask of the noble Lord the Secretary for the Home Department. He wished to know whether the noble Lord had received any intelligence of a meeting which had been held a few days since by a body of persons styling themselves Chartists, and at which meeting the most seditious and inflammatory language had been used. He also wished to know if the noble Lord had been made aware that persons were arming in different parts of the country; and if they were, he wished to ask if any steps were about to be taken by the noble Lord in consequence of such proceedings?

Lord *John Russell,* in reply to the first question proposed to him by the noble Lord, had to state, that he did receive an intimation of the meeting in Smithfield, and he had been consulted by the Lord Mayor, so as to prevent anything illegal taking place, and to preserve the public peace. He had, while sitting in that House, at ten o'clock, received the information from the Lord Mayor that the meeting had separated; but he had not laid before him any account of the speeches which had been delivered. There had, he must say, in reply to the next question, been reports received for a considerable time with respect to arming in parts of the country, and especially in Lancashire; and a correspondence had in consequence been carried on by him with the civil and military authorities on that subject.

Mr. *T. Attwood* thought the noble Lord had acted very discreetly.

Subject dropped.

Railway Bills.] Upon the motion

for the further consideration of the report of the Croydon Railway Bill,

Mr. *Loch* moved the insertion of the clause recommended by the Railway Committee, viz., "And be it further enacted, that nothing herein contained shall be deemed or construed to exempt the railway by this or the said recited acts authorised to be made, from the provisions of any general act relating to railways which may pass during the present or any future Session of Parliament."

Mr. *Easthope* observed, that he should be happy to know what was the particular object of the clause which was proposed by the Railways' Committees to be inserted in all the railway bills now passing through Parliament. The clause, in his opinion, required explanation; because he confessed, that though he had very attentively considered it, and this, too, with the desire of understanding it, he could not comprehend it. He lamented, exceedingly, that the chairman of the Committee was not present; for he himself had never yet been able to understand the precise object of the Committee. He was utterly unable to divine why such a clause should be inserted in any railway bill. Did those who proposed it suppose, that any railway bill had given, or could give to the directors the power of opposing the authority of Parliament? He hoped, that some Member of the Committee would enlighten him as to the true meaning of the clause, for he felt a great desire to understand it.

Mr. *Loch* said, that the objection of the hon. Member was somewhat late. The clause appeared to him to be perfectly intelligible, and the Committee had taken great pains before bringing it before the House.

Mr. *Freshfield* could not allow the observations and question of the hon. Member for Leicester to be put to a Member of the Committee, asking them to explain what could possibly be the meaning of the clause now introduced into this bill, and expressing some doubt as to the object of that clause, without giving an answer to that question. The Southampton Railway Bill and other bills were before Parliament. Parliament was aware that much inconvenience was likely to arise, if railways were not put under some reasonable regulations. That was distinctly stated by the President of the Board of Trade, when he moved for the Committee upon railway communication. The simple question was, whether such regulations as were necessary for the protection of the public with respect to railways should be inserted in the bills now before Parliament? These regulations might be introduced into such bills, so as to operate disadvantageously on those particular companies; and the question, therefore, in Committee was, whether they would impose regulations that should be binding on this particular company, when all were not before Parliament? It was felt to be a much more liberal course to bind the railways that were not before Parliament by such regulations as were of general application, instead of taking advantage of those particular railways that were before Parliament, and introducing regulations into their bills. This was his answer to the difficulty. Instead of exposing this company to the difficulty of contending whether the regulations were reasonable or not in their particular case, it was proposed that this company should be bound only by such regulations as were binding on all railways, as well those which were not before Parliament as those which were. The company was now only bound by such regulations as were of general application.

Mr. *Easthope* begged, in explanation, to be allowed to say that he really did not know, at the time he mentioned the subject, the particular railway to which the clause was proposed to be added. His only object was to understand, before it was introduced, what were its real meaning and effect. Of these he was still ignorant.

Clause added.

CHURCH-RATES—CASE OF MR. THOROGOOD.] Mr. *Baines* rose, and said he was about to bring under the consideration of the House, a case in which the liberty of the subject was deeply involved—the case of Mr. John Thorogood, an inhabitant of Chelmsford, who was confined in the gaol of that place for his refusal to pay Church-rates. He did not know that he could in any way better explain the subject he had to submit to the consideration of the House, than by stating shortly the particulars of the petition which had been presented to that House some time ago. That petition he had had the honour to present on the 28th of February, and in it it was stated that the petitioner had for twenty-three years resided in Chelmsford; that he was a dissenter; that in the month of September, he was summoned to appear before the magistrates of the county of Essex to answer for neglect in not having paid the sum of *5s. 6d.* for Church-rates; that he appeared, according to the summons, before the magistrates, and was asked why he had not paid, and that his answer to the inquiry was, that he declined to make the payment, in the first place, because he entertained an opinion that it was not consistent with the nature of his religious obligations to pay a compulsory rate for the support of religion; and in the next place he said, he really believed the rate to be an improper one, inasmuch as no proper estimates had been laid before the vestry meeting at which the rate was agreed to; and he further observed, that the rate was unequal, and therefore unjust. Upon this, the magistrates dismissed the complaint, refusing to adjudicate upon the case, and in November last the petitioner received a citation from the consistorial court of the Bishop of London, requiring him to appear before the court, and answer for subtraction of Church-rates from the churchwardens. The petitioner declined to answer to this citation, and the reason he gave for declining to attend was, that he was of opinion that he should not receive justice in the court before which he was summoned, and he said further, that he was not in circumstances to encounter the expenses that were likely to arise from such a proceeding. The matter continued in that state until the month of January last, and he believed that on the 16th day of that month this parishioner of Chelmsford was seized by the officers, taken to prison, lodged in the gaol of his native place, and there he had remained ever since, and there he was now confined. The petitioner had conscientious objections to the payment of Church-rates, and not only this, but he believed that compulsory payment for the purposes of religion was inconsistent with the divine Scriptures; it was, therefore, not for the amount that he contended, but he conceived that in paying this rate he would be violating a law which he held to be of more importance than any human law, and the petitioner concluded by praying, first, that Church-rates might be extinguished; secondly that ecclesiastical courts might be abolished; and thirdly, that such relief might be afforded in his case as the House in its wisdom should think fit. He thought that the case of this tradesman was such as ought to excite the sympathy of the House. He found, on inquiry, that this poor man was confined for eighteen hours out of the twenty-four; he meant that he was confined strictly and severely during eighteen hours, for, of course, he was in prison during the whole twenty-four. During these eighteen hours daily he was debarred of all intercourse with his friends, and indeed was only allowed to communicate with his friends between the hours of ten in the morning and four in the afternoon, and this he felt to be a very great privation. There was also another privation of which he complained very grievously. He was not allowed to receive from his religious teacher any of that religious consolation and advice of which he stood so much in need in his present situation. And he further stated that he was not allowed to see his wife or family on Sunday, although this was almost the only day of the week on which they could have an opportunity of communicating with him, seeing that his wife was engaged in endeavouring to keep together the little that remained of a business which had been almost destroyed by the harsh proceedings that had been commenced against him. It had been frequently doubted whether the allegations in petitions respecting conscientious objections to Church-rates were well founded, and whether such objections did not in reality arise from a wish to save money. He thought that the present case proved as clearly as demonstration could establish it, that this was not the case with this unfortunate man. What was his situation? He had now been confined in gaol for nearly four months, his business had been suffered to go to decay, he had suffered imprisonment during an inclement season of the year, and was forbidden that intercourse that was necessary for the comfort of any man who was accustomed to the intercourse of a family, and he was also forbidden the enjoyment of that religious advice and consolation which was so necessary to him. He thought that after having made these statements he should not be required to show that there was anything on the part of this parishioner of Chelmsford like the appearance of cupidity. For his conscience, this poor tradesman had made a sacrifice which he believed very few Gentlemen in that House, or in another assembly, would be disposed to make. But this was not the only parishioner of Chelmsford that was treated with great hardship, although not with equal hardship to that endured by the petitioner. He held in his hand a paper, from which it appeared that not fewer than forty inhabitants of Chelmsford had had their goods seized and sold, some for two, three, four, and even five times the amount claimed—those goods, too, belonging to men in a small line of business, who could not afford to be deprived of the little emoluments derived from thence, and have them applied to the purpose of paying Church-rates. This was a proof, if proof were wanting, that the conscientious scruples of those persons were sincere, for what other motive could they have for suffering their goods to be thus seized, and themselves thus deprived of three or four times more than was due, but that they felt a conscientious and sincere objection to the payment of these rates, and therefore it was, that this petitioner prayed that Church-rates might be extinguished? But there was another reason why these rates should be extinguished. Did not the petitioner and the people of Chelmsford know well, that in Manchester, Birmingham, Leeds, Sheffield, Nottingham, Derby, Leicester, and other great towns of the kingdom, Church-rates were not only refused, but were not enforced; There was about these ecclesiastical courts great courage. They seized hold of the man that was weak, and enforced their claim; but when they came to a place where they were bearded by a whole community, they had not the courage or manliness to attack them in front. What was the case at Manchester? The people there were called together for the purpose of making a Church-rate. What did they do? A person in the meeting proposed a certain rate, when some other person rose, and proposed that the meeting should adjourn for twelve months. The meeting accordingly adjourned without making a rate, and the rate had never been enforced. In Chelmsford and other minor places poor tradesmen were seized upon and made victims; there the Church-rate was imposed, but in large towns the imposition was not called for. In some towns for the last twenty years Church-rates were treated with derision. Was not this a reason why these petitioners should pray for the extinction of Church-rates? They said, and very reasonably, if Church-rates were equitable and fair, why not enforce them throughout the kingdom? Why neglect to enforce them in large towns, and enforce them with such severity against the smaller places? It was said that in order to render the rate valid it was necessary, in the first place, that it should be consented to by the parish, and that if it were not so consented to it could not be enforced. The consequence of this was, that the law was held in utter derision in populous parishes, and could only be enforced against small communities. It was high time that such a law should be terminated. A very honourable and sincere attempt was made in that House to put an end to the law by her Majesty's Ministers. That attempt unfortunately, he thought, for the Church as well as for the dissenters, was defeated, and at present no fewer than ten counties of England were resisting the payment of Church-rates. They had an agitation spreading against Church-rates, as if there were not sufficient grounds for agitation on other subjects. That agitation had spread through Devonshire, Wilts, Essex and the whole of the principality of Wales. He did not mean throughout every parish, but he thought after the exhibition of the other night of the situation in which the parish of Llanon was placed, there could be no doubt but that great agitation existed in that country, when he found that a man was put in prison because he did not provide the elements of the Lord's Supper, when it was out of his power to provide them. That was in reality the true case, and this poor man was put in prison in order to enforce a Church-rate—a paltry tax, too contemptible to be collected, and yet, in order to irritate the Protestant dissenters, and to keep up a bad feeling both in that House and out of it, the people were harassed with church-rates year after year. He, therefore, thought that it was not an unreasonable prayer to pray that a matter which disturbed the peace of society to so great an extent, which did great violence to religion, which was in reality a source of bitter complaint and hostility among different religious communities, should be terminated. The next prayer was for the abolition of ecclesiastical courts, and perhaps; after the exposition they had had the other night from one of the highest authorities of the realm, as to the state of those courts, and as to the utter unfitness of their judges to administer justice, there could be little doubt but that it was high time that these courts should be abolished. But there were other reasons, and much more powerful ones, why those courts should be abolished. In those courts the officers were clergymen, and as they were necessarily unacquainted with law, their administration of justice was in some cases most partial and unjust. Would it be believed, and really he said it with diffidence, that there was no one of the judges of the ecclesiastical courts who did not himself live in open violation of the ecclesiastical law? Yes, the whole of the clergy in this kingdom, 17,000 in number, lived in open violation of those canons which it was their duty to enforce. Having made this observation, he would refer to some evidence in order to show that he had not used strong expressions without being able to substantiate the facts. He believed it was known to the House that the 50th canon of the Church required every clergyman to read the Litany every Wednesday and Friday, and not of Lent only, but throughout the whole year. Now, it was known to many gentlemen whom he had the honor to address, that this canon was violated every week in the year, in every parish in England and Wales, but no person was thrown into prison for being guilty of such violation. The ecclesiastical courts were very indulgent towards great offenders, but they were extremely severe, and well disposed to show the weight of their power, towards those who had not the means of resisting their severity. Again, by the 29th canon of the Church, it appeared that persons were forbidden from performing the office of godfather or godmother without having previously received the sacrament of the Lord's supper. Was it not notorious that no person was ever asked whether he had received the sacrament or not? It was a matter of fact that not one person in ten, who took the obligation, ever received the sacrament, that it was passed over with perfect impunity, and that no punishment was inflicted upon those who were guilty of the violation of the canon. The 59th canon required that every clergyman before evening prayer should examine and instruct youth for half an hour at least before the service. Would any Gentleman say that the clergy of England discharged that duty. He was sure he knew many who did not do so [*a laugh*]. He did not know how to construe that laugh. If it were meant to say, that it was the practice of the clergy of the English Church throughout England to discharge that duly regularly, he begged leave to say that he thought that upon inquiry it would be found to be by no means a universal practice. It might prevail in some parishes; but it was the exception, and not the rule. And what was the punishment awarded for offenders? For the first offence they were to be severely reprimanded, and for the second offence suspended. He asked those Gentlemen who were anxious to show that they were cognizant of the clergy having performed their duty, whether they were cognizant of any clergyman having been severely reprimanded or suspended for neglecting these obligations? He was not surprised at receiving no answer. Another canon, the 57th, prohibited the clergy from frequenting taverns or playing at cards or dice, under pain of ecclesiastical censure. Now, he believed that clergymen were much like other persons, and that when they were so inclined they frequented taverns; and he did not hesitate to say, not wishing to cast any reproach upon the clergy generally, that they might sometimes play at cards or dice, but he had not heard of any censure of the Church having been passed upon clergymen who had been guilty of these practices. By the 112th and 113th canons it appeared that clergymen were required to present to the bishop once a-year all persons who lived in immorality or neglected to attend the Church. Now, in this great city of London, where the Consistorial Court was in active operation. [Mr. *Goulburn* said, the hon. Member does not cite the canons correctly.] He had read them shortly, but not incorrectly. He was afraid it would not be very desirable to read them at length, but in substance these canons required, that the ministers should present to the bishop once a year at least, all persons within the parish who should live immorally, or who should neglect to attend Church, and also all non-communicants at Easter. Was this done? There were judges sitting in judgment—and in great severity of judgment—against humble individuals; but against people in higher places they heard of no prosecutions. He believed, that many men in London did not attend Church, or receive the sacrament at Easter; but they were not presented. Did he quote these canons to cast reproach upon the clergy? He said no. Others might choose to put such a construction upon it if they pleased, but he cited these cases to show, that those persons who had the administration of the ecclesiastical law did not administer it in justice and equity—that they punished those persons who transgressed against the law who were in humble circumstances, and of an inferior rank in life, but that they did not punish those who were opulent and of high rank—large and important places which were capable of controlling their operation they let go free, and small places they compelled to pay rate—and lastly, that the judges of those courts were themselves persons on whom punishment would fall, if the canons, of the Church were strictly obeyed. He thought he had made out a case to prove, that John Thorogood had not done wrong when he petitioned for the abolition of the Ecclesiastical Courts. Could hon. Gentlemen think, that the present state of things ought to be suffered to exist? He was sure that when he appealed to the judgment and candour of hon. Gentlemen on both sides of the House, they would say, that such a state of things ought not to exist, as that a man should be immured in a prison, deprived of all the consolation and gratification which he ought to enjoy from communication with society, for a trivial matter of this kind. Hon. Gentlemen on the other side of the House had reproached her Majesty's Ministers with hostility to the Church, but let him tell them that no ministers could have ever rendered a greater service to the Church than those who would abolish Church-rates, except those who would abolish Ecclesiastical Courts. He hoped, that both objects would, without loss of time, be effected. The last prayer of the petition was one with which he was very reluctant to weary the House. It prayed the House to grant such relief to the petitioner as in their wisdom they should deem fit. It might be said, that this person had offended against the law. But the House should recollect how many offenders there were against these laws, that those who ought to administer the laws were offenders, and they would then, he was sure, think, that this person might very fairly claim clemency on the part of the House, and, perhaps, even of the court that had put him in prison. There was another ground also, on which the petitioner might rest his conscientious scruples to pay Church-rates. By the 6th and 7th of George 3d, it was declared, that Quakers should not be liable to suffer in person for their refusal to pay Church-rates, because they had a conscientious objection to such payments. Now, if Quakers were exempted from answering in their persons, why not make the law applicable to all other Dissenters upon the same grounds. He thought it high time, that this law, this most anomalous and unjust law, should be amended. He thought, therefore, that this petitioner very fairly made out a case for bringing this petition under the consideration of the House; and whether he considered the subject of Church-rates, or the Ecclesiastical Courts, or the case of the petitioner himself, he was of opinion—and he hoped the House would be of opinion—that the time had come when they ought to remove from the law the obloquy that rested upon it. He would, therefore, move, "that there be laid before the House a copy of the decree issued against John Thorogood by the Consistorial Court of the Bishop of London, at the suit of the churchwardens of Chelmsford for the recovery of Church-rates in 1838, and a copy of the warrant by which he was committed to the gaol of Chelmsford in January, 1839, under the authority of which he was still confined in that prison."

Dr. *Nichol* wished to know, whether the hon. Member had any objection to add the name of the judge that passed sentence?

Mr. *Baines* said, he had no objection to that or any other amendment that should be deemed necessary.

Mr. *Easthope* said, in rising to second the proposal of his hon. Friend, it was not his intention to make any accusation against the clergy, or to mix up anything in the discussion of an acrimonious or offensive nature. If there was any subject that should be approached in the opposite feeling, he thought this was that one. He would not believe but that every friend of the Church—at least every real friend of the Church—must feel, that it was high time that some provision should be made to prevent the recurrence of cases of this sort. He could not imagine it possible, that any gentleman could be so deluded as to believe, that these committals for non-payment of Church-rates could have any other influence than that of injuring the Church, and of spreading a spirit the very opposite of that which the Church was intended to promote, which it ought always to promote, and which it must promote in proportion as it exhibited the spirit of Christianity. It was probable, that this question might be met by its being stated, that this unfortunate man had been committed to his present imprisonment for contempt of court, in not appearing against the proceedings that were taken against him. He knew, also, that it would be stated, that this individual had been committed by a gentleman of the most liberal opinions, one of the most intelligent men in that House, an ornament to his profession, and one who felt as much as any gentleman could feel for those who were oppressed and wretched under the operation and exaction of these penalties. He knew it would be stated, that this unfortunate individual, the petitioner, had been committed under the authority and by virtue of the immediate warrant of the right hon. Gentleman, the Member for the Tower Hamlets. But what had that to do with the case? It only aggravated the case. There was a law in existence by which this poor man—he would admit an ignorant, a very ignorant man if they pleased—but a very conscientious man, for he would not have endured imprisonment of this kind, if he were not under very strong feelings of conscience; and he would ask, was there a Gentleman in that House who wished for the continuance of laws which operated to impose very severe penalties for the exercise of conscience? His hon. Friend had very well put the case, when he asked why there should exist a law that more severely operated against Protestant Dissenters than against Quakers? Was it not found that the operation of the law and the exaction of penalties from Quakers was inexpedient and indefensible. Yes, not only unjust, but inexpedient for the interests of the Church? The exemption from personal imprisonment was enacted on behalf of the Quakers, and was still inflicted on Protestant Dissenters. He submitted, whether those Gentlemen opposite, who deplored these individual cases, could not contrive some method, until an alteration was made in the law, by which this individual could be relieved from this extreme punishment. Every friend of the Church must feel that such cases, so far from benefitting the Church, were just precisely what the greatest enemy of the Church would wish. He lamented to say, that by that day's post he had received a letter detailing an exactly twin case to the unfortunate case before the House. The letter came from an individual for whose veracity he would not hesitate to pledge himself. It was from the Mayor of Worcester, and was as follows:—

> "There were some poor Dissenters at the Broadway in Worcester, who had demurred to the payment of Easter dues, and proceedings had been taken against them in the spiritual court by a gentleman whose name he (Mr. Easthope) would not mention; but who was a clergyman. One poor man, named Israel Brown, having a wife and six children, had been cited for three years' dues, at the rate of 4*d.* a-year, and the expense of the citation was 3*l.* 3*s.* This money was paid by the co-operation of the man's neighbours, in order to prevent his going to prison."

From this statement, it appeared, that but for the benevolent interposition of his neighbours, this poor man, having a wife and six children, would have been cast into prison for a claim for Easter dues, amounting to one shilling. It was probable, that the poor man conceived that in law he was not bound to pay this demand. For how many Gentlemen were there in that House who thought what were called Easter offerings were voluntary contributions, and yet it was true that they were a compulsory payment! In the present case, their payment had been enforced; and but for the co-operation of some benevolent neighbours, this poor man, having a wife and six children, would have been cast into prison for a claim of three fourpences. He thought that the time was indeed come when some provision should be made against the infliction of penalties so severe, and mischiefs to religion so serious, as those which must inevitably result from this sort of proceeding. He hoped that these discussions would quicken her Majesty's Government to provide a remedy for these lamentable and oppressive evils; and he hoped, also, that when the subject was brought on, it would be treated, not as a party or sectarian question, but with an earnest and honest desire on all sides to secure the rights of conscience and emancipate the national religion from the charge of injustice and oppression.

Mr. *G. H. Vernon* said, that he must admit that the speech of the hon. Member who had last spoken, had been characterised by a much better spirit than that of the hon. Member who preceded him. With respect to the hon. Member for Leeds, although he commenced his speech by laying claim to a great deal of good temper in the manner he dealt with the subject, yet he must say there appeared to him to be a great deal of asperity, mixed up with somewhat of the spirit of injustice, in what fell from him. The hon. Member stated, that the petitioner averred that he could not expect to get justice at the hands of the Ecclesiastical Court. But every one who knew the hon. and learned Member for the Tower Hamlets, who presided in that court, would, he was sure, treat such a remark with the contempt it deserved. The hon. Member appeared to labour under a great deal of ignorance as to what were the functions and duties of judges. He appeared entirely to forget that they were not the parties to bring on cases, but to decide upon all cases brought before them by others. When the hon. Member said, that the judges did not dare to face the large communities, but only the smaller ones, and that they did not dare to deal equally with the rich and the poor, he was sure that the hon. Member could find nothing in this or any other case to warrant such insinuations. If the hon. Member could show him any case which had been brought before the Ecclesiastical Courts in which justice had been administered differently to the rich and the poor, then, indeed, he should be ready to give every attention to the charge. He would not enter upon the general subject of church-rates at present, when there was every probability of the House being counted out; but he would only ask the hon. Member when a man had defied the authority of a judge before whom he was cited, how could that judge act otherwise than defend and vindicate the authority of the law? The hon. Member had given the House a great variety of pathetic details of this case, as to the time of year at which the petitioner was taken to prison, the number of hours he was kept without seeing his friends, &c.; but he did not think the House, looking to the merits of the case, had been much moved from its propriety by these statements. He must say, that in his opinion, the hon. Member had mixed himself up on many occasions with matters connected not only with the temporalities, but with the spiritualities of the Church, rather more than, as a Dissenter, he was fairly entitled to do. In conclusion, he had only to disclaim, on the part of the Church, all the suggestions which had been made by the hon. Member.

Sir *G. Strickland* expressed his regret that the bill for the abolition of the Ecclesiastical Courts and Church-rates had not been passed. He begged distinctly to say, that he thought no charge of injustice was attributable to the judges of these courts in any of their proceedings, for they were bound to administer the law as they found it, and not otherwise. As a magistrate himself, a great many cases of severe hardship had come before him from time to time, arising out of these jurisdictions; and he therefore hoped that the Legislature would interfere to prevent their recurrence.

Dr. *Nicholl* said, that the case which was stated in this petition had come before one of the most learned individuals in the country, and one as little inclined to do wrong as any person in the country. The hon. Member had made it a charge against the judges of the Ecclesiastical Courts, that they did not seek out and punish those who violated the canons. Why, the hon. Member might just as well go to the statute-book and say, that the judges in our Temporal Courts were responsible for not calling into operation all the statutes that were to be found there. With respect to the case in question, he regretted that power had not been given to the Ecclesiastical Courts to enforce their sentences by distress. In the case of Quakers, the remedy was given by a distress of goods. With respect to the Ecclesiastical Courts, bills had been previously brought forward by the administrations of Earl Grey, of Sir R. Peel, and of Lord Melbourne, for their amendment; and these bills had failed, not from any unwillingness on the part of the Church to consent to them, but from the opposition of the various local interests connected with the inferior courts. With respect to the relief prayed by the petitioner, it could be got out of the House. He could be brought before the Court of Queen's Bench, and if any grounds could be shewn for it, that Court would order his discharge.

Mr. *Hume* was glad to hear the hon. and learned Member opposite express a wish that these courts should be abolished. He would only refer to the treatment of the Church-rate victims at Truro the other day, when a splendid procession, and an elegant dinner awaited them on their liberation from prison, to show the House the impolicy of persevering in the present system. It appeared to him a pitiful course of proceeding to oppress the poor in order to support a Church which ought to be rich enough to support itself. It was surely making it out a beggarly religion that could not support itself without oppressing the people. How could they put up a pretence to civil and religious liberty if people were obliged to pay for other people's clergymen, as well as their own? It was intimated that Mr. Thorogood had brought this misfortune upon himself. So he had; and for so doing, in his opinion, he had much merit. Was not Hampden held in veneration for resisting an oppressive tax? He held in his hand a list of persecutions (for so he would call them), which had taken place in Birmingham. Men for small sums had goods to a large amount taken out of their shops, and sold for a few shillings. Why, it was nothing less than robbery—it was a robbery against conscience. Hon. Members would not deny, that the pockets of the people were picked by law every day. The system was one which no enlightened community ought to suffer to exist any longer. It was inconsistent with Christian principle to punish a man for believing according to the dictates of his conscience. He really thought, that if the bishops and prebends of the Church, rich as it was, were to contribute towards a fund for this purpose, this odious exaction, amounting to about 240,000*l.*, might be abolished, without any detriment to the Church. In the mean time, here was this unfortunate Mr. Thorogood in prison; and how was he to get out? The judge had not the power to liberate him—[An hon. *Member:* By a subscription.]—A subscription! he hoped not. Mr. Thorogood was now a martyr to the cause, and he hoped that he would remain in prison, to be a constant stimulus to the Government and to the public; so that there should be public meetings every day, till some measure was carried to remove this stigma from the Church.

Mr. *Goulburn* thanked the hon. Gentleman who had just sat down, for changing the character of a debate which had begun in so acrimonious a tone. He should not have troubled the House, were it not that he had interrupted the hon. Gentleman who brought forward the motion in the course of his observations. He had asked the hon. Gentleman to read the canon which he had quoted. Now, what were the exact words of that canon on which the hon. Member had founded a charge against a clergyman? They were—"Because it often comes to pass that persons of the laity whose duty it is to prevent the commission of sin and wickedness neglect that duty, it is hereby enacted that the clergyman of the parish may, if he think fit, take measures for their prevention." This was the literal meaning and words of the canon, and yet the hon. Member insisted that it was a positive duty incumbent on the clergyman to restrain evil doers. The hon. Member must surely have mistaken the canon, and had consequently fallen into a gross misrepresentation of the case.

Mr. *Bramston* should not oppose the motion. Being resident in the neighbourhood in which the transaction had occurred, he was anxious it should have every publicity. He hoped, that the unfortunate gentleman, when satisfied by the statement of his case and the production of his papers in the House of Commons, would purge his contempt, and regain his liberty. With regard to the statement which had been made that his wife had been refused admission to the prison, he could state that on the only occasion on which application was made to the visiting magistrate, permission was granted. In his opinion, the more the matter was sifted the more clearly it would be proved that the magistrates had merely done their duty.

Sir *J. Tyrrell* could not assent to all that had fallen from the hon. Member for Kilkenny, but he cordially assented to the remark, that that hon. Member did not like subscriptions. He was sorry that he would not support the man with his purse as well as his tongue. A large subscription had already been made for the man, and he was neither poor nor ignorant.

Motion agreed to.

LITHOGRAPHED PETITIONS.] Mr. *G. W. Wood* moved, pursuant to instructions given to him as chairman of the select committee on private petitions, that lithographic petitions should be considered as printed petitions, and therefore should not be received by the House.

Mr. *Warburton* was proceeding to observe, that no good reasons had been alleged in support of this motion, when he was interrupted by

Mr. *O'Connell*, who, having said that this was far too important a subject to be discussed in so thin a House, moved that it be counted, and forty Members not being present, it adjourned.

HOUSE OF COMMONS,

Wednesday, May 1, 1839.

MINUTES.] Bills. Read a second time:—Exchequer Bills; High Sheriff's Expenses.

Petitions presented. By Lord BARRINGTON, Sir R. DONKIN, Captain WEMYSS, Sergeant JACKSON, and Messrs. GROTE, RIPPON, LANGDALE, BENNETT, AINSWORTH, O'CONNELL, HAWES, and M. PHILIPS, from a very great number of places, for a Uniform Penny Postage.—By Sir ROBERT PEEL, from Lancaster, against the Rating of Small Tenements Bill.—By Captain GORDON, from Aberdeen, against the Granting of Spirit Licences; and against parts of the Prisons (Scotland) Bill.—By Lord DUNGANNON, from Durham, against alienating the Revenues of that See; from Denbigh, against the plan for Education proposed by Ministers.—By Sergeant JACKSON, from a place in the county of Kilkenny, against any system of Education extending to Catholics; from two places, against compelling Presbyterian Soldiers to attend Churches different from their own.—By Mr. BARNARD, from Greenwich, against the Metropolitan Police Courts Bill.

COPYRIGHT.] On the motion that the Speaker leave the Chair for the House to go into Committee on the Copyright Bill,

Mr. *Warburton* said, that when this bill was last under the consideration of the House, he gave the learned Mover due notice that he would oppose its further progress if brought forward on a Wednesday. Here was a bill in which the public took a paramount interest, and it was not fit that it should be brought forward on a night when Ministers were absent, and engagements prevented the attendance of hon. Members. The hon. Member for Limerick had postponed the consideration of an important measure, because he was aware that a number of the Irish Members would be necessarily absent. In a short time the benches would be deserted, till only from twenty to thirty Members would remain, and he must give his most strenuous opposition to the discussion of a bill of such importance to the public, which went to deprive them of a right and privilege they now possessed in a House of that nature, and which ought only to be considered with full benches. He did not consider it inferior in importance to the liberty of the press or the *habeas corpus.* Was it just to take into consideration a bill of that importance on a Wednesday on the stage of going into Committee. He would, therefore, move that the motion for going into Committee be adjourned till to-morrow. Or if the hon. and learned Member would fix the further discussion for any other night, excepting a Wednesday, so that there might be a chance of full attendance, the House might come to such a decision as they might think proper; but let it be done with full benches, and not when the House was comparatively deserted. He accordingly moved that the further consideration of the bill be adjourned till to-morrow.

Sergeant *Talfourd* considered the invitation which had been given him by the hon. Member to consider this bill in Committee to-morrow, equivalent to an invitation never to consider it in Committee at all. The course pursued by the hon. Member appeared to him vexatious in the extreme. The bill was now, for the third time, before the House. Its principle had twice been affirmed and never denied by a vote of the House. It had at the same time been most amply discussed, and the majorities, by which it was affirmed, were considerable. It was too much to say, that Wednesday was the only night on which a measure of that importance ought not to be considered. What chance had an individual Member, not supported by Ministerial influence, to get a bill forward on any other night? The right hon. Baronet had just postponed the Committee on the Controverted Elections' Bill till to-morrow night, and what prospect had he to get this bill considered afterwards, as the bill of the right hon. Baronet would of course have precedence? It was rather a strange objection for some Members to complain of a small attendance of Members, seeing that they had philosophically discussed the expediency of reducing the present number of Members who had seats in that House. He should be deserting the interests of those who trusted to his exertions for obtaining justice to their rights if he agreed to the motion for postponement. The hon. Member might take one course, and he (Sergeant Talfourd) would adopt his own, and he trusted the House would support him in endeavouring to overcome such vexatious opposition.

The House divided:—Ayes 127; Noes 24:—Majority 103.

List of the AYES.

Abercromby, hn. G. R.
Ainsworth, P.
Alsager, Captain
Arbuthnott, hon. Hugh
Archbold, R.
Bailey, J.
Bailey, J. jun.
Barnard, E. G.
Barrington, Lord Vis.
Barry, G. S.
Benett, J.
Bewes, T.
Blair, J.
Bodkin, J. J.
Boldero, H. G.
Bowes, J.
Bramston, T. W.
Broadley, H.
Brodie, W. B.
Brownrigg, S.
Buller, Sir J. Y.
Burr, H.
Calcraft, J. H.
Campbell, Sir J.
Canning, rt. hon. Sir S.
Cavendish, hon. G. H.
Clive, hon. R. H.
Cole, Lord Vis.
Creswell, C.
Curry, W.
Darby, G.
Davies, Colonel
Denison, W. J.
D'Israeli, B.
Douglas, Sir C. E.
Duncombe, hon. W.
Duncombe, hon. A.
Dungannon, Lord Vis.
Eastnor, Lord Vis.
Egerton, Sir P.
Ellice, right hon. E.
Farnham, E. B.
Fazakerley, J. N.
Ferguson, Sir R.
Ferguson, R.
Filmer, Sir E.
Fitzroy, Lord C.
Fleetwood, Sir P. H.
Freemantle, Sir T.
French, F.
Freshfield, J. W.
Gladstone, W. E.
Godson, R.
Gordon, hon. Captain
Grant, F. W.
Grattan, H.
Greene, T.
Grimsditch, T.
Halford, H.
Hardinge, rt. hn. Sir H.
Harland, W. C.
Hastie, A.
Hepburn, Sir T. B.
Hodges, T. L.
Hodgson, R.
Holmes, hon. W.
Hope, hon. C.
Hope, G. W.
Hughes, W. B.
Ingestrie, Lord Vis.
Irton, S.
Jackson, Mr. Sergnt.
Jones, J.
Knatchbull, r. h. Sir E.
Knight, H. G.
Lambton, H.
Langdale, hon. C.
Lascelles, hon. W. S.
Law, hon. C. E.
Lefevre, C. S.
Lennox, Lord A.
Lister, E. C.
Lowther, hon. Col.
Lygon, hon. General
Mackenzie, T.
Mackenzie, W. F.
Mackinnon, W. A.
Macnamara, Major
Mahon, Lord Vis.
Manners, Lord C.
Melgund, Lord Vis.
Miles, P. W. S.
Milnes, R. M.
Mordaunt, Sir J.
Murray, A.
O'Brien, W. S.
O'Ferrall, R. M.
Palmer, C. F.
Parker, R. T.
Patten, J. W.
Pattison, J.
Pease, J.
Planta, right hon. J.
Power, J.
Pringle, A.
Pusey, P.
Rae, rt. hon. Sir W.
Rolleston, L.
Round, C. G.
Round, J.
Sheil, R. L.
Sheppard, T.
Smith, A.
Smyth, Sir G. H.
Stanley, E.
Stansfield, W. R. C.
Stewart, J.
Strickland, Sir G.
Sturt, H. C.
Turner, W.
Waddington, H. S.
Wilbraham, hon. B.
Winnington, T. E.
Winnington, H. J.
Wood, Colonel T.
Wood, G. W.

TELLERS.

Talfourd, Mr. Sergeant
Solicitor General, The

List of the NOES.

Brotherton, J.
Butler, hon. Colonel
Courtenay, P.
Divett, E.
Dundas, C. W. D.
Evans, W.
Finch, F.
Goddard, A.
Grote, G.
Hawes, B.
Hector, C. J.
Leader, J. T.
Lushington, C.
Marsland, H.
Muskett, G. A.
Parrott, J.
Pechell, Captain
Philips M.
Smith, B.
Strutt, E.
Style, Sir C.
Villiers, hon. C. P.
Ward, H. G.
White, A.

TELLERS.

Wakley, T.
Warburton, H.

On the question being again put,

Mr. *Warburton* had given full notice to the hon. Member of the course he intended to follow, and if, notwithstanding that explanation, the hon. Member should still persist in proceeding, he must move that the House do now adjourn.

Mr. *Wakley* seconded the motion, stating that as Lord John Russell had on a former occasion protested against the Bill, the House might have expected that this would have been made a Government question. At all events, it was proper that the opinions of the two great parties in that House should be heard, and as the noble Lord and the right hon. Baronet (Sir R. Peel) had now left the House, and as hon. Members well knew that at seven o'clock they preferred dining to any question of however great national importance —[" *No* "]—nothing was more likely than that about that time the House would be "counted out." As he entertained strong objections to the Bill and to the manner in which this question had been discussed, he should second the motion for the adjournment, and if beat he should again propose or second a similar motion, and do so again and again.

The *Solicitor General* was sorry for the course that had been taken by the opponents of the bill. He had stated, that he intended to give it his most decided opposition, and to oppose it in every possible mode; but by that he meant according to every mode that was known in the usages of that House. He was afraid that if this course of opposition were followed out it would create a sympathy in favour of the Mover, and of the Bill, that would not otherwise exist. It was impossible for individual Members to get forward with their bills on other days than Wednesdays, and he, therefore, hoped his hon. Friend would withdraw his motion for adjournment.

Mr. *S. O'Brien* did not approve of the principle that all bills of this nature should originate with the Government, which it was the tendency of the course adopted by the hon. Member for Bridport to establish, and he did not think it fair to deprive a private Member of the only opportunity which he had for advancing the progress of any measure which he had taken up. He should, therefore, vote against the motion for adjournment.

Mr. *Grote* said, that as it seemed improbable that any other night but the present could be given to the consideration of this measure, he should, though reluctantly, because he was opposed to the principle of the measure itself, vote against the adjournment.

The House divided, when there appeared, for the motion 9; against it 131:—Majority 122.

List of the AYES.

Butler, hon. Col.
Dundas, C. W. D.
Finch, F.
Hawes, B.
Hector, C. J.
Molesworth, Sir W.
Muskett, G. A.
Pechell, Capt.
Villiers, hon. C. P.

TELLERS.

Wakley, Mr.
Warburton, Mr.

The NOES we need not repeat.

Mr. *Warburton* said, that he was aware that he was taking a very unpopular course, but the hon. Member for Reading could not complain of it, for before the Easter Holidays he had given him notice, that, if he persisted in fixing a Wednesday for the further proceedings in the bill, he would feel it to be his public duty to take the course he was then doing; he would persist in that course. He would, therefore move, that the further consideration of the question be adjourned till Friday next.

The *Speaker* did not think that that question could be entertained. The House had, upon a division, affirmed that the words "that I do now leave the Chair," should stand part of the question, therefore he believed that those words must form part of any question put to the House.

Mr. *Warburton:* Then I move that this debate be now adjourned.

The *Speaker* said, no hon. Member could move an amendment, as the hon. Member wished to do, on what it had already been decided should stand part of the question.

Mr. *Warburton* said, he believed that he could, if he pleased, move that the Speaker do leave the Chair that day six months.

Viscount *Mahon* said, that when this became a vexatious opposition on the only night on which the bill could be brought forward in its present stage, he must seriously call upon the House to consider to what the course of the hon. Member for Bridport, if it were followed up, might ultimately lead. If hon. Members found that a bill might be satisfactorily resisted by a minority against a majority, as in this case, it was possible that the method might come to be tried by the minority of hon. Members on his (the Opposition) side of the House against the majority opposite. But the hon. Member for Bridport was called a practical man. Now, he would put it to the hon. Member to reflect whether the privilege which it appeared thus resided in a minority, might not be lost by a vexatious and intemperate use of it? Hon. Members formerly had a right, on presenting petitions, to make remarks at pleasure upon them. This was found to be inconvenient, and was consequently abolished. Hon. Members ought to take care lest the privilege they were now exercising should not be lost for the same reasons. He called on them not to furnish an irresistible argument for the total suppression of this right.

Sir *G. Strickland* would ask the hon. Member for Bridport, when he spoke about unpopularity, whether he thought it would be popular among their constituents to affirm that no business should be done on a Wednesday, for that was the tendency of the course pursued by the hon. Member? That course he deprecated in the strongest manner.

Mr. Sergeant *Talfourd* said, he charged the Member for Bridport with an abuse of the power vested in the Members of that House. When the second reading of the bill came on, he had been pressed to postpone it. He had not submitted to the threat of the hon. Member then held out, neither would he submit to his dictation now.

Mr. *Warburton* said, the motion that he had made was perfectly consistent with the usual forms of the House, that the further consideration of this question be adjourned. It was competent for any Member to move the adjournment.

Mr. *F. Hodgson* rose to order. He believed the hon. Member had spoken on this question before.

Mr. *Warburton* said, the course he pursued was perfectly in order. He had seen on many occasions repeated questions, succeeding one another alternately, on the motion for the adjournment of the House and for the adjournment of the question. It was competent for a Member, in any state of any debate, to move the adjournment of the House, and in any state of any debate to move the adjournment of the debate itself, provided the two successive motions were not the same. When a small lot of Members came down to that House to support a question when Ministers of the Crown were absent, it was far better not to consider it at all.

The *Speaker* said, the House was the judge of its own proceedings. He could only say, that that House had come to two conclusions after debate. The first conclusion they had come to was, that they would not now adjourn; and then they had come to the conclusion, that the words, "that the Speaker do now leave the Chair," stand part of the motion. [Cries of "*Question.*"]

Mr. Cayley understood that there was no question before the House.

The *Speaker*: The question is, that these words, "that I do now leave the Chair," stand part of the question. Having negatived the adjournment, it will stand thus, "That I now leave the Chair."

The Speaker put the question, and declared that the "ayes" had it, and left the Chair.

The House in Committee on the Bill.

On the question that the Bill be read a first time, paragraph by paragraph,

Mr. *Warburton* said, the course which he should pursue was that with which he had thought it his duty to commence, to endeavour to prevent this bill being discussed on a Wednesday night. The motion he made was, that the chairman now report progress.

The Committee divided on Mr. Warburton's motion:—Ayes 7, Noes 119;—Majority 112.

List of the AYES.

Duncombe, T.
Dundas, C. W. D.
Hector, C. J.
Hobhouse, T. B.
Molesworth, Sir W.
Muskett, G. A.
Smith, B.

TELLERS.

Wakley, T.
Warburton, H.

List of the NOES.

Acland, T. D.
Arbuthnott, hon. H.
Bagge, W.
Bailey, J.
Bailey, J. jun.
Barnard, E. G.
Barrington, Ld. Visct.
Barron, H. W.
Benett, J.
Bewes, T.
Blackburne, I.
Boldero, H. G.
Bowes, J.
Bramston, T. W.
Broadley, H.
Brodie, W. B.
Brotherton, J.
Buller, Sir J. Y.
Burr, H.
Campbell, Sir J.
Canning, rt. hn. Sir S.
Cavendish, hn. G. H.
Craig, W. G.
Dalrymple, Sir A.
Darby, G.
Davies, Colonel,
Dick, Q.
D'Israeli, B.
Donkin, Sir R. S.
Douglas, Sir C. E.
Duncombe, hon. W.
Duncombe, hon. A.
Dungannon, Ld. Visct.
Du Pre, G.
Egerton, W. T.
Egerton, Sir P.
Elliot, hon. J. E.
Filmer, Sir E.
Fleetwood, Sir P. H.
Gaskell, J. M.
Gladstone, W. E.
Godson, R.
Gordon, hon. Capt.
Grant, F. W.
Greene, T.
Grey, right hn. Sir G.
Grimsditch, T.
Grote, G.
Harland, W. C.
Hawkes, T.
Hayter, W. G.
Heathcote, Sir W.
Heathcote, G. J.
Heneage, G. W.
Hepburn, Sir T. B.
Hodgson, R.
Holmes, hon. W.
Hope, hon. C.
Hope, G. W.
Houstoun, G.
Howick, Lord Visct.
Hughes, W. B.
Hurt, F.
Ingham, R.
Jackson, Mr. Sergt.
Jones, J.
Knatchbull, right hon. Sir E.
Law, hon. C. E.
Lefevre, C. S.
Lemon, Sir C.
Lennox, Lord A.
Lowther, hon. Col.
Mackenzie, T.
Mackenzie, W. F.
Mackinnon, W. A.
Marshall, W.
Milnes, R. M.
Mordaunt, Sir J.
Morris, D.
Murray, A.
Neeld, J.
Neeld J.
Norreys, Sir D. J.
O'Brien, W. S.
Packe, C. W.
Palmer, C. F.
Palmer, G.
Patten, J. W.
Pattison, J.
Pigot, D. R.
Pringle, A.
Pusey, P.
Rice, E. R.
Rice, rt. hon. T. S.
Rolfe, Sir R. M.
Rolleston, L.
Round, J.
Rushbrooke, Col.
Seale, Sir J. H.
Seymour, L.
Shirley, E. J.
Sibthorp, Colonel
Smith, J. A.
Smyth, Sir G. H.
Stanley, E.
Strickland, Sir G.
Strutt, E.
Sturt, H. C.
Thompson, Mr. Ald.
Verner, Colonel
Vernon, G. H.
Waddington, H. S.
Wall, C. B.
Walsh, Sir J.
Wilbraham, G.

Wilbraham, Hon. B.	
Winnington, T. E.	TELLERS.
Wood, G. W.	Talfourd, Sergeant
Wrightson, W. B.	Mahon, Lord

On the question, that the bill be read a second time, paragraph by paragraph,

Mr. *Wakley* would say a few words on the question, as he was anxious to expedite business. He must say, that he could not exactly understand the tactics that hon. Members would have them pursue in that House. He thought it a useful privilege, that Members should be able to postpone the business of the House, and he thought they could not find a more proper occasion for it than the present. He was most sincerely opposed to the principle and details of this bill. He, for one, was prepared to adopt any course which would enable him to prevent its further progress in that House. He had never failed to express his opposition to the bill. He believed it was fraught with more mischief than any other measure. He thought it better that they should have a special night for discussing bad measures. Generally speaking, the bills brought forward on a Wednesday night were of a very harmless nature; but this was so objectionable in its character, that he should continue to offer opposition to it to the latest hour of the night. He, for one, should not fail to oppose the bill, provided the hon. Gentleman pursued the course he had pointed out. He would conclude by moving, that the chairman do leave the chair.

Colonel *Sibthorp* said, if he mistook not, there was a large dinner, and the presentation of a piece of plate to an hon. Member of that House that evening, and the true cause of the opposition to the further progress of the bill might be, that hon. Members were much afraid of the soup and the fish being cold, or that the whole would be eaten up before they got there. He confessed it was no disappointment to him, for he for one did not intend to go. An invitation had been sent to him, as a friend of economy, hoping that he would attend the dinner.

Viscount *Dungannon* objected to the course pursued by the hon. Member. The arguments brought forward for the postponement of the consideration of the measure were perfectly contemptible. The hon. Member for Bridport would not go into the consideration of the bill, because her Majesty's Ministers were not in the House, and then because the leaders of the Opposition were not in the House. He would wish to know what bill, emanating from a private Member, could be brought forward, except on a Wednesday night? The course adopted by hon. Members opposite was most paltry and contemptible. He remembered when the hon. Member opposite (Mr. Wakley) had greatly condemned the same course now pursued by him, and some other hon. Members, and had said, that by a similar course, two or three Members of the House might obstruct the whole course of legislation.

Mr. *Warburton* was glad to find, that the noble Lord had furnished him with a precedent for the course he (Mr. Warburton) was now pursuing. In the case of the Registration of Electors' Bill, the noble Lord, the Member for Stroud, arranged, that the discussion should not come on, except in a full House. He (Mr. Warburton) thought that what was good in that case, would also apply to the Copyright Bill.

The *Chancellor of the Exchequer* wished to say one word. He was the last man who would dispute the right of any Member of that House to move an adjournment. It was for the Member moving to judge whether his motion was consistent with the general feeling of the House. With respect to the present case, he would refer the hon. Member for Bridport to a bill, in which the hon. Member took a great interest, and which was strongly opposed by a party in that House. That was the Anatomy Bill introduced by the hon. Member himself. If the opposition of the minority in that case had not been withdrawn, the bill, which was one conferring great benefits on the community, must have been withdrawn.

Mr. *Warburton* said he would give way, and object no further at present, if the hon. and learned Sergeant would fix a night (not a Wednesday), when an opportunity would be given of discussing the measure in a full House. As to the remark of the hon. and gallant Member for Lincoln, that he (Mr. Warburton) was an expected guest at the dinner given on that day to his hon. Friend the Member for Kilkenny, he could assure him he was mistaken. He was not to be a guest at that dinner, and he would add, that he had determined on adopting his present course, before he had even heard of the dinner.

The Committee divided, on the motion

that the chairman do leave the chair;—Ayes 9, Noes 91;—Majority 82.

The Committee subsequently divided fourteen times on various questions and amendments without taking any division on the merits of any part of the bill, those divisions having for their avowed object to delay its progress and compel the Mover to postpone it. The debate or conversation which ensued on each motion was confined mainly, on the one hand, to asserting the propriety of opposing the bill in this manner on Wednesday evening; and, on the other, to asserting the necessity of carrying it forward. The first and second clauses were described by the opponents of the bill as unimportant, and they only divided the committee on the question that they stand part of the bill, with a view to attain their object. We omit, therefore, all these divisions and the conversations and proceed to the discussion on the merits of the clauses.

On clause 3, Mr. Sergeant Talfourd proposed to fill up the blank with the words "sixty."

Mr. *Warburton* wished that and several other clauses to be postponed, and other minor clauses to be taken. He would then consent to go on with the bill.

Mr. Sergeant *Talfourd* said, that the course which the hon. Member for Bridport had taken was so objectionable, that he would not accept of any boon at his hands. The Committee was now upon the clause fixing the period of the term for the continuance of the copyright, a point which had already been fully discussed, and he, therefore, desired to accept of no favour from the hon. Member, to whom he left the responsibility of the course he had that night taken, nor would he do anything to avert from the hon. Member the judgment of that public whom he said he desired to serve.

Mr. *Warburton* was quite ready and willing to take on himself all responsibility. He objected to the clause in toto, and, therefore, would not raise any discussion as to the term to be inserted in the clause.

The *Solicitor General* said, that as the Committee was now on the clause, he objected to fill up the blank with the term sixty years, as proposed by his hon. and learned Friend. The clause gave to authors the copyright for the term of their lives, and he thought a short further term granted to their executors after their decease would be sufficient. He believed three years would be sufficient for that purpose, and he should propose that term instead of sixty years, as proposed by his hon. and learned Friend.

Mr. *Warburton* said, if he could understand there was any likelihood of the amendment of the Solicitor General being carried, he should not object to it, for it would be a very small variation from the law as it now stood, and would be a mere accommodation to the executors or administrators of deceased authors. Such a compromise of the point he would not oppose if he were assured that the Friends by whom the hon. and learned Solicitor General was surrounded would agree to it; if not, he should persevere in his strenuous opposition to the progress of the bill.

The *Chancellor of the Exchequer* said, as an appeal had been made to the candour of hon. Gentlemen, he must, for one, say he could not acquiesce in the proposition of his hon. and learned Friend, the Solicitor General, because that would be to concede the whole principle of the bill.

Mr. *Darby* objected to the Committee going on to discuss a clause and the amendments upon it under the threat of the Member for Bridport, that if some compromise was not made he would persevere in the course he had pursued throughout the evening; in other words, that if his own proposition was not carried, he would still resist the sense of the House.

Mr. *Warburton* denied that he had held out any threat. He had merely said, that according as the blank was filled up so he should shape his course.

Viscount *Mahon* had understood the hon. Member in the directly opposite sense; and, if he had understood the hon. Member right, the discussion of the clause would be to very little purpose. If the hon. Member was determined to take any more vexatious divisions, it would be a waste of time to debate the clause.

Mr. *Warburton* repeated that he should not object to the short period proposed by the Solicitor General. That proposition might now be discussed, and a division taken upon it, but he reserved to himself the right when the blank was filled up to shape his course accordingly.

Mr. Sergeant *Talfourd* was glad to find that the hon. Member for Bridport thought the Committee was now competent to discuss the bill. With regard to the proposition of his hon. and learned Friend for three years, it would very much limit the exacting law, which gave a term of twenty-eight years, and, therefore, to it he must object. He thought the term of sixty years he had proposed a very inadequate compromise, with reference to the real justice of the case. He would not argue it, unless it was now understood that the Committee was competent to proceed, and that the hon. Member for Bridport would not play the game, "head I win, tail you lose."

Mr. *W. Attwood* supported the proposition of the hon. and learned Member for Reading. Dr. Johnson had thought that 100 years was a proper period for an author's copyright, and Mr. Say, another authority, held that the term ought to be for the author's life, and those of his wife and children. With the opinions of such men before him, he thought sixty years was not an unreasonable term, or an exorbitant concession to authors.

Mr. *Warburton* said, it seemed to be forgotten that any extension of the rights of authors was a robbery upon the public, and the opinion which had been quoted of Mr. Say was an opinion in support of absolute nonsense. The House ought to fix only on such a term of years as would prove a sufficient inducement for authors to write good works. Every year after that, was taken from the public, and would be a great encouragement to plagiarism; by ingenious devices they would have long extracts from works, or the words little altered, and probably not bettered. For the credit of authors themselves he thought they were not justified in filling up the blank with a long period.

The *Chancellor of the Exchequer* said, that his own proposition would be to insert the period of thirty-one, instead of sixty, years. It was possible that, if they decided upon so long a term of years as sixty, they might excite a certain degree of public feeling against the bill. He was not, however, so opposed to the term of sixty years as to seek, in consequence of its being retained, to defeat the bill of the hon. and learned Gentleman.

The House divided on the question, that the blank be filled up with the word sixty.—Ayes 45; Noes 37:—Majority 8.

List of the AYES.

Acland, T. D.
Arbuthnott, hon. H.
Attwood, W.
Bateson, Sir R.
Bolling, W.
Brodie, W. B.
Cripps, J.
Darby, G.
Davies, Colonel
D'Israeli, B.
Dunbar, G.
Du Pre, G.
Egerton, W. T.
Egerton, Sir P.
Fector, J. M.
Gaskell, J. M.
Grimsditch, T.
Heathcote, Sir W.
Hepburn, Sir T. B.
Holmes, W.
Hope, G. W.
Houldsworth, T.
Houstoun, G.
Lowther, hon. Col.
Mackenzie, T.
Mackenzie, W. F.
Mahon, Lord Visct.
Milnes, R. M.
Mordaunt, Sir J.
Noel, hon. W. M.
O'Connell, J.
Packe, C. W.
Patten, J. W.
Plumptre, J. P.
Polhill, F.
Pringle, A.
Pusey, P.
Rushbrooke, Colonel
Shirley, E. J.
Smyth, Sir G. H.
Strickland, Sir G.
Tancred, H. W.
Turner, W.
Waddington, H. S.
Young, J.

TELLERS.

Talfourd, Sergeant
Gladstone, W. E.

List of the NOES.

Buller, Sir J. Y.
Clements, Ld. Visct.
Collins, W.
Donkin, Sir R. S.
Douglas, Sir C. E.
Dowdeswell, W.
Dundas, C. W. D.
Easthope, J.
Finch, F.
Godson, R.
Harland, W. C.
Hayter, W. G.
Hinde, J. H.
Hobhouse, T. B.
Hodgson, R.
Hughes, W. B.
Hurt, F.
Ingham, R.
Jones, J.
Lefevre, C. S.
Lister, E. C.
Maclean, D.
Molesworth, Sir W.
Neeld, J.
Norreys, Sir D. J.
O'Brien, W. S.
O'Connell, M.
Palmer, C. F.
Redington, T. N.
Rice, E. R.
Rice, right hon. T. S.
Rickford, W.
Strutt, E.
White, A.
Williams, W.
Wilshere, W.
Winnington, T. E.

TELLERS.

Solicitor General,
Warburton, H.

Two subsequent divisions took place on the question, that the clause stand part of the bill, which was met, by two separate amendments, which divisions are part of the thirteen we omit.

The third clause was agreed to.

On the 4th clause

The *Solicitor-General* said, that he entertained the strongest objection to this clause, on the ground that it interfered with vested rights belonging to the public. It might be justifiable to declare, that works hereafter to be published should have this extended protection, but he could not agree to the clause having a retrospective effect.

Mr. *Warburton* felt satisfied, that the interests of the public had been completely lost sight of in this bill.

Mr. *Godson* denied, that there was anything like a vested interest in the matter. The whole question was, whether the present duration of copyright afforded an adequate reward to authors. He thought, that the present duration of copyright was sufficient, except in particular cases.

Mr. Sergeant *Talfourd* thought the hon. Member could hardly have heard his numerous addresses without knowing, that the claim set up by the public was entirely futile, and that they had no right at all. He contended, that publishers in London and Edinburgh, should not be permitted to send forth the works of that great man of whose services we had been deprived by a premature death, to the detriment of those whom he had left to our care. He would never arrogate to himself the title of Liberal at the expense of the good and the wise.

Mr. *Strutt* said, that as far as he could trace the shadow of an argument in the learned Sergeant's speech, it went to show, that the public had no right whatever, and therefore he ought to propose a perpetual copyright. He was opposing his own bill. If the public had no right to that for which they had not worked, they had no right to the possession of the steam engine or the printing machine. He had felt anything but satisfied at the sneering manner in which the learned Sergeant had talked of the much injured public. He thought the interests of the public should not be laid aside, and protested against the tone assumed by the learned Member for Reading in stigmatising all those opposed to his views.

Mr. *T. B. Hobhouse* contended, that if the principle of this *ex post facto* clause was carried out, the works of Milton, Dryden, and Pope, should be brought within its operation.

Mr. *Milnes* said, that it was absurd to object to the clause as having an *ex post facto* operation, when it referred only to copyrights which had not been assigned, and respecting which, therefore, no interests could be injuriously affected.

The *Chancellor of the Exchequer* thought, that the objection of the hon. Member for Derby, drawn from the analogy of the steam engine and the printing press, did not at all apply to the present case. Those inventions had, by the expiration of the patents, become public property, and ought not to be touched, but with respect to a mechanical invention, the patent for which was still in existence, the term of that patent might be extended upon good cause being shown. Upon the same principle existing copyrights might be extended.

Viscount *Howick* regretted, that the time of the House had been wasted for five hours in vexatious divisions—vexatious he must say, with all respect to the promoter of them—which had nothing to do with a discussion of the bill. He thought the bill should be considered more in reference to the public, than the authors. He objected to the bill in its present shape, on the ground, that it would create an unjust monopoly for authors, many of whom would be well provided by twenty-eight days' protection instead of twenty-eight years. He would admit, that under the present system, authors who had spent all their lives in the composition of perhaps a single valuable work might suffer great hardship. He should be happy to see the interests of such men secured; but, concurring in the objections of other hon. Members, he must oppose the clause now under consideration.

The *Solicitor-General*, in reference to what had fallen from the Chancellor of the Exchequer, thought it rather too large an inference, that because the terms of existing patents for inventions might in some peculiar cases be extended, therefore the same favour should be granted to all unexpired copyrights whatever. That which might be termed an exception with regard to patents was proposed to be made a universal rule with regard to copyrights.

The Committee divided on the question that the clause stand part of the bill:—Ayes 39; Noes 20:—Majority 19.

List of the AYES.

Acland, T. D.
Adare, Lord Viscount
Alsager, Captain
Arbuthnott, hon. H.
Attwood, W.
Bramston, T. W.
Cole, Lord Viscount
Darby, G.
Davies, Colonel
D'Israeli, B.
Douglas, Sir C. E.
Du Pre, G.
Egerton, W. T.
Gaskell, J. Milnes
Gladstone, W. E.
Harland, W. C.
Heathcote, Sir W. M.
Hinde, J. H.
Hodgson, R.
Holmes, W.
Hope, G. W.
Houstoun, G.
Ingham, R.
Lambton, H.
Lowther, hon. Col.
Mackenzie, T.

Mackenzie, W. F.
Mahon, Lord Visct.
Morpeth, Lord Visct.
Palmer C. F.
Plumptre, J. P.
Polhill, F.
Praed, W. T.
Price, R.
Pusey, P.
Rice, right hon. T. S.
Rickford, W.
Rushbrooke, Colonel
Waddington, H. S.

TELLERS.

Talfourd, Sergeant
Milnes, R. M.

List of the NOES.

Brotherton, J.
Collins, W.
Dundas, C. W. D.
Easthope, J.
Finch, F.
Godson, R.
Hawkins, J. H.
Hayter, W. G.
Hobhouse, T. B.
Howick, Lord Visct.
Hughes, W. B.
Hurt, F.
Muskett, G. A.
Pease, J.
Seymour, Lord
Strutt, E.
Talbot, C. R. M.
Wall, C. B.
Williams, W.
Wilshere, W.

TELLERS.

Warburton, H.
Solicitor General,

Clause agreed to.

The subsequent clauses likely to produce discussion were postponed.

Other clauses agreed to. The House resumed, Committee to sit again.

On the whole there were twenty divisions on the same questions connected with the original motion for going into Committee, and with the four first clauses of the bill in Committee. We give the lists on the three first divisions, to indicate the Members who took the different sides; and we give the lists of the Members who voted on the two divisions on the merits of the clauses in Committee.

HOUSE OF LORDS,

Thursday, May 2, 1839.

MINUTES.] Petitions presented. By the Dukes of NORFOLK, CLEVELAND, and RICHMOND, the Earls of ROSEBERY, CLARE, ZETLAND, Lords PORTMAN, HATHERTON, and BROUGHAM, from a very great number of places, for a Uniform Penny Postage.—By Lord BROUGHAM, from a place in Argylshire, against any further Grant to the Scotch Church; from Perth, for limiting the Hours of Labour in Factories; and from another place, for allowing Soldiers to attend places of Worship of their own Persuasion.—By the Marquess of BUTE, from one place, for Church Extension in Scotland.—By the Earl of ZETLAND, from the Union of Thirsk, for the Amendment of the New Poor-law Act.

THE SLAVE-TRADE—ANTIGUA.] Lord *Brougham* begged leave to ask whether the noble Lord at the head of the Admiralty would have any objection to the production of the correspondence that had taken place between Lieutenant Bosanquet, of the Leveret, and Count Antonio di Mello and the Marquess Richetti on the subject of the African slave-trade. He apprehended there could not be the slightest objection to the production of these papers. For one of the names he had mentioned he had the greatest respect and admiration, for the Marquess Richetti had nobly given up the office which he held in the Portuguese Government, rather than be a party to the policy of the Portuguese Government, which he begged to say was the policy of conniving at the African slave trade, whilst they were openly entering into engagements for its suppression. His conduct in that House had been commented on by the Members of the Portuguese Parliament, most properly exercising their privilege, as he should exercise his, and they had expressed the greatest indignation at his calling it a feeble Government. Now, he apprehended that these censures in part arose from incorrect translations of his speech; but he would now repeat that, were Portugal a hundred times as strong as she is, she would still be a feeble government; it was, supported by us—it had no stamina of its own—and what he complained of was, that our just weight and influence had not been sufficiently exercised to compel them to discharge their duty. He begged to call their Lordships' attention to facts. Count Antonio di Melho, of whose conduct he spoke with regret, for he was the member of a most respectable family, had gone out as governor of Mozambique in a slaver, clearing out from Lisbon; and the vessel instead of returning there, had carried over 600 slaves to Rio and Cuba, for the profit of the governor whom it had taken out. There had never been such a gross thing done, and yet the governor was never punished for it. It was true he was no longer a governor, but whether he had been dismissed for that he knew not. In fact, a duty of seven dollars was levied upon every slave-ship, and yet the Portuguese Government called that prohibiting the slave-trade, while they were actually deriving a revenue from it. He had been informed that six months ago the Commodore was fitted out with a double set of papers and double logs, the one pointing out their real destination, the coast of Mozambique, the other pretending that the voyage was from Lisbon to Angola. At Mozambique that vessel had been fitted out and 600 slaves taken aboard; the vessel could not sail from that coast until the morning, and as the slaves who had been shipped could not be lodged on shore for the night, and there was not sufficient force to keep them in subjection, they, the whole 600 were compelled to pass the night under the hatches, and when his informant went on board the next morning and ordered the hatches to be opened, a sight presented itself which, experienced as they were in atrocities of that execrable trade, was enough afresh to harrow up one's feelings, and almost make the blood curdle in one's veins. The vessel had been anchored off the coast at night, and in a tropical climate these 600 wretches were kept under hatches all night. In the morning no less than sixty were found stretched dead, having been suffocated for want of air, and twenty or thirty more were in so desperate a state that they died before the ship was a league from the shore. Here were upwards of eighty individuals murdered, cruelly murdered, in one night by that Government, for who did it by another did it by himself; and that Government which levied a tax of seven dollars on every slave-ship had been guilty of that murder. These were the facts which he had thought it his duty, at the earliest moment after they had come to his knowledge, to lay before their Lordships and before the country, to the useful and wholesome end that they might be inquired into in the proper quarter, and that the proper authorities, they who had made treaties with Portugal by which Portugal had bound itself to put down the slave-trade, should demand an immediate explanation upon the subject. He believed the facts he had stated were not exaggerated, and, if necessary, he had no objection to give his author's name. With these observations he had only to ask the noble Lord at the head of the Admiralty if there would be any objection to the production of Lieutenant Bosanquet's correspondence on these matters.

The Earl of *Minto* was not aware that there would be any objection. At the same time, he would be glad to have the opportunity of consulting with his noble Friend, the Secretary for Foreign Affairs, before he gave a decided answer. The noble and learned Lord was possibly aware, that a notice had some time since been given by his noble Friend, of his intention to lay some papers on the Table of the House of Commons, connected with the slave-trade, and to found, upon those papers, a measure of a vigorous character, calculated to enforce the obligations of the treaty, which Portugal itself had not thought fit to observe. It was not at all improbable, that the papers now referred to might form part of those to be produced by his Noble Friend. Under such circumstances, the noble and learned Lord would probably delay making his motion till he saw what papers were produced by his noble Friend. He would say that, as far as his recollection served him, the account of the transactions given by the noble and learned Lord would be found to be pretty correct. The noble and learned Lord had said, the slave-trade had been connived at very openly—he might have used a stronger word than connived. The active and zealous conduct of Lieut. Bosanquet had been the subject of great complaint on the part of the Portuguese. When those complaints had been received, the answers sent out to them were, that as soon as Lieutenant Bosanquet returned to this country, every opportunity would be taken to promote him for his conduct.

Lord *Brougham* was exceedingly glad to hear the statement which had just been made by the noble Lord. He hoped the measure about to be taken would indeed be a vigorous measure. The more vigorous it was, the better pleased with it he should be, and the more heartily would he support it. It had been said by some, that it was useless, however, to talk of abolishing the slave-trade, until they put an end to slavery. He differed on this subject very much with Mr. Buxton. He thought a very good encouragement might be given to the abolition of the trade, by admitting first into the colonies, and next into this country, all sugars made by free labourers, and excluding all that was made by slaves. There had been no English slave-trade since the bill, making it a felony; but it was more than twenty years after that, before their Lordships abolished slavery in the English colonies. He would just say, that he by no means agreed in the doctrine, that it was not right to send armed cruisers to take into custody pirates, and persons who were carrying on this horrible crime. Having stated, on a former occasion, his great admiration of the conduct of the Assembly at Antigua, in abolishing slavery, before they were even compelled, it was now his painful duty to say, that he found the present House of Assembly had taken a great deal away from the credit of their predecessors, who had acted so admirably, and whose conduct he had had occasion so much to approve of. They had done all in their power to take away from the negro his political rights. They had raised the electoral qualification from 20*l.* currency to 50*l.*, the effect of which was, to disfranchise every negro in the island of Antigua. This tended in no way to increase his confidence in colonial legislation. In his opinion, steps ought to be taken to repeal the law, and if the legislature of that country refused to repeal that law, their Lordships ought to interfere, and repeal it for them. The noble and learned Lord concluded by moving for the production of a copy of the Act of Antigua, in reference to raising the qualification.

The Marquess of *Normanby* thought it would be better that the noble Lord should give notice of that motion, as then he should be enabled to state what course had been pursued before he held his present office.

Motion withdrawn, and notice given.

JAMAICA.] Lord *Brougham* presented a petition from the Jamaica merchants in London, against the bill introduced into the House of Commons for suspending the constitution of that country. He had been intrusted with this petition, in consequence of the course he had adopted on the subject of Canada. He was not acquainted with the merits of the case, but he must confess, that the conduct of the Assembly of Jamaica had not been such as he could approve of. However, it was another question, whether the course they had pursued rendered it necessary that the constitution of the island should be abolished for any length of time.

Viscount *St. Vincent* supported the prayer of the petition. He considered the measure one of the hardest and most uncalled-for that had ever been brought forward.

The Marquess of *Normanby* did not think it necessary then to say anything upon the subject of that measure; the noble and learned Lord, however, appeared, as at present advised, disposed to give the measure his opposition; but the Jamaica documents were on the Table of the House, and if the noble and learned Lord looked into them, he would find it impossible to justify the conduct of the Assembly. He was so convinced of the right and justice of his case, that he should be prepared to meet even the noble and learned Lord on every point, if indeed the noble and learned Lord then found himself in a condition to differ from all those with whom he had always agreed on these subjects.

Lord *Brougham* — Oh, no, not all; only a few of them. He had had communication with many of those, with whom he had always agreed, and who did not differ from him on this subject. The noble Marquess was mistaken if he supposed that he was not acquainted with the contents of the Jamaica documents. He had already stated, that he highly disapproved of the conduct of the Assembly, and he only waited to see the provisions of the bill. If he found those provisions to be detrimental to the rights of the negroes, he would certainly oppose it.

The Marquess of *Normanby* would be perfectly ready to meet the noble and learned Lord on that point. It was stated, that the bill would have the effect of postponing the enjoyment by the negroes of the elective franchise; but when the bill came before the House, he should be in a condition to prove, that it would not defer these rights one moment beyond the time at which they were able to enjoy them.

Lord *Brougham* said, if the bill was so good a thing for the negroes, why not extend it to Barbadoes, and the other colonies?

The Marquess of *Normanby* said the reason was obvious. The other colonies had not refused to legislate.

Lord *Brougham*—Then the bill is a matter of punishment, and not of bounty and favour—and he was bound to oppose it, as he had done the Canada Bill, because it was a penal act. It was sent, according to the noble Marquess's confession, for the mischief of the whites, and not for the advantage of the negroes.

The Marquess of *Normanby* said, that he had never declared that the immediate object of the bill was to benefit the negroes, but that it would have that tendency. The object of that bill was, to meet an obstacle which had arisen.

Petition laid on the Table.

HOUSE OF COMMONS,

Thursday, May 2, 1839.

MINUTES.] Petitions presented. By Sir JOHN TYRRELL, Sir R. FERGUSON, and Messrs. F. BERKELEY, P. HOW-

ARD, CAVENDISH, THORNELEY, HUME, HOPE, PEASE, and a number of other MEMBERS of a great many places, for a Uniform Penny Postage.—By Lord GRANVILLE SOMERSET, from Monmouth, against any plan of Education not under the Superintendance of the Church.—By Lord ARTHUR LENNOX, from Chichester, for Church Extension in the Colonies.—By Mr. BURKE, from Devon, against the Repeal of the Corn-laws.—By Mr. F. BERKELEY, from the Bristol Chamber of Commerce, against the Imprisonment for Debt Act.—By Mr. BLACKSTONE, from Wallingford, against appointing Dissenting or Catholic Chaplains to Prisons.—By Mr. HUME, from Malta, in favour of the Liberty of the Press in that Island.—By Sir JOHN TYRRELL, from two places in Essex, against any further Grant to Maynooth College; and for Church Extension in the Colonies.

TRADE WITH AFRICA.] Sir *S. Lushington* said, that at the conclusion of last Session he had moved for the production of the correspondence relating to the outrages of which certain merchants of this country complained they had suffered from the French authorities on the western coast of Africa. At that time the noble Secretary for Foreign Affairs refused to produce the documents, on the ground that a negotiation was pending with the French government. A considerable time had now elapsed, and it was five years from the date of the first aggression; four since that of the second. He regretted to say, that even since the date of his motion last year, intelligence of fresh injuries and aggressions had been received. No redress for the former outrages had been obtained, and he could not but think, that if the injuries of which he complained on behalf of the British merchants had really been inflicted as he was instructed, they were really and truly injuries which called for some redress. The time had, in his opinion, then arrived when ample opportunity for inquiry must needs have occurred. It was a great and important question which was to be decided, namely, whether the British nation shall be excluded in future from the trade she had hitherto enjoyed on the western coast of Africa. This was the question to be decided, if indeed it was not already decided; because if he was not misinformed, an insult had been offered by a French naval officer to the British nation, in the person of the British merchants trading on that coast, which remained unredressed to that hour, and not merely unredressed, but so far from it, that not even the shadow of an apology to that hour had been made by the French Government. With reference to the question of the alliance between France and England, and the necessity which was sometimes urged of abstaining from any expressions which could tend to interrupt the harmony of that alliance, he would remark that he had long come to the conclusion that the best and most desirable method of putting a stop to any aggressions of this nature which might take place on the part of either of two allied nations upon the other, was for the latter nation to urge not merely reparation, but reparation within a reasonable time. In such cases the delay of justice amounted to a denial of justice. It was not his intention to enter into a long statement on the subject; he should confine himself to an outline of the facts as he understood them to have occurred. These facts consisted in certain aggressions on British trade which had taken place at Portendic, on the west coast of Africa, in pursuance of the orders of a French naval officer. Through the whole period between 1814 and 1834, as he understood, the British nation had been interfered with in this trade. The liberty of trade with Portendic, and with various ports on the coast of Senegal, was secured to the British nation by the treaty between France and England concluded in 1783, and it was expressly stipulated in the 9th article of that treaty, that the English should have the liberty of carrying on the gum trade from the mouth of the river St. John to the bay and fort of Portendic inclusively; and he contended that the Government of France in the course they had taken, had acted in violation both of national law and of justice towards the inhabitants of this country. In July 1834, without any previous notice that the French Government intended to break in upon the established custom of twenty years, and exclude British traffic from those parts, the following transaction took place, which he should best convey to the House by reading the letter sent by the French officer, M. Leveque, when the House would observe the imperative manner in which this gentleman thought fit to command a master of a British merchant's vessel to cease from trading. The letter was short, but every word of it was deserving of consideration, as being addressed to a British subject, carrying on what he would assert was a lawful trade. The letter ran thus:—

"Sir,—Considering that in violation of the laws subsisting between civilized nations, the Governor of St. Mary's, in the Gambia, has sent you to Portendic, where you constantly afford provisions to the Trazars, with whom we are at war; that he has thus failed in the gratitude which he owes to the French Government; considering, moreover, the nature of your cargo, which cannot but be of material assistance to that tribe; and finally, acting according to the instructions which I have received from the Governor of Senegal, I have the honour to request, that you will forthwith get under weigh, and not trade with the Moors at Portendic, except under sail, as it had been stipulated in the treaties concluded between the two Governments. Should you decline acceding to my request, be so good as to signify your refusal in writing, as I am fully resolved, in that case, to compel you to take the course I have suggested. "I have, &c.,

"C. Leveque.

"To the Captain of the Industry."

Now, with respect to this most extraordinary letter he was almost at a loss to know what was meant by some of the expressions contained in it. When "all laws subsisting between civilized nations" were spoken of, he found it impossible to say what laws were meant. He would undertake to say, that there was not a syllable in that letter which was either founded in fact, or founded in law; and he would say, that the first act of the French Government ought to have been to disavow a document of this nature. The Governor of St. Mary's never sent Mr. G. Gunson, the captain of the Industry, to trade at Portendic, and the "violation of all laws of civilized nations" was effected, he supposed, by the introduction of a cargo of cotton: for the ship contained no provisions for the Trazars. The writer went on to say—"I have to request that you will forthwith get under weigh, and not trade with the Moors at Portendic, except under sail, as has been stipulated in the treaties concluded between the two governments." Now he would read to the House the 9th article of the treaty of 1783, to which allusion was here made, and then the House would be able to judge how lawless was the construction put upon it by the French commander. The article said,

"As to the gum trade, the English shall have the liberty of carrying it on from the mouth of the river St. John to the bay and fort of Portendic inclusively, provided that they shall not form any permanent settlement, of what nature soever, in the said river St. John, upon the coast, or in the bay of Portendic."

The condition of the article is not to form a permanent settlement, and the French commander construes a vessel throwing down an anchor, in the harbour to be within the condition! On such grounds it was, that a French commander had the temerity (for he could call it nothing else) to order the master of a British vesssel to carry on his trade under sail—a thing which on that coast, is altogether impossible. What was the reply of the British captain? It was a temperate, prudent, but firm reply. He refused to obey this daring edict, and he said he had a right so to refuse. There was no pretence of a blockade of the port on the part of the French; there was a futile pretence of an interdict, or something of that nature; but, in reality, the true ground of the proceeding was the insolence of the French commander. There was 5,000*l.* worth of gum on board the British vessel; the master covered it with the British flag for protection. The French commander fired against the British flag, destroyed the gum, the property of British merchants, and then seized the ship, arrested the supercargoes and officers, and made them prisoners. This was in July, 1834. He was not desirous of impressing the importance of this subject on the House by the use of strong terms; but in this case, strong and undeniable and founded in justice as it was, he would not consent to be the advocate of the cause, and then betray it by the weakness of his expressions, or the vacillation of his conduct. In 1835 the French government proceeded to blockade the coast, and he said, first, that this was in direct defiance of their written undertaking, that they would not blockade that coast; secondly, that they had no pretence that was justifiable for the step; third, he said, that it was a blockade for the purpose of destroying the British trade, and acquiring for themselves a monopoly of the trade on that coast. What was the worth of the pretence, that the French were at war with the Trazars? Why, that people had not a shadow of a claim to the country about Portendic! Whatever was the right to the port or to the coast on the part of that people, they had ceded it to the French by the treaty of 1723. In fact the Trazars lived 100 miles distant from Portendic. Still the blockade was made under the pretence, that the English captain was in the habit of affording provisions to the Trazars. He begged the House to consider the value of this trade to Great Britain. Gum was an essential necessary to be used in a great variety of our manufactures. 29,000 cwt. were imported last year; the increase in the quantity imported was very great within the last few years; but how had this increase been made? Not in British vessels. For since 1835 not a single ounce of gum had been imported from Portendic in British bottoms. Since 1835, that trade had been extinguished as regarded the British nation. The French had succeeded to and supplanted us in a trade which the English had a right to carry on. The French government ought now to give the British nation the requisite satisfaction for what had passed—they ought to give redress for the outrage already committed, and security against the recurrence of the like in future. He wished to call the attention of the House to the existing state of things. He had no reason to doubt, that the noble Secretary for Foreign Affairs had made strong and urgent claim for reparation; he had no reason to doubt that the noble Lord viewed this transaction to a considerable extent in the same light as he himself viewed it; but he put it to the House, whether any further delay should be allowed, while the French government on pretexts not founded on facts, nor on circumstauces, inconsistent with the true law of nations, from day to day, and from month to month, and from year to year, procrastinated the settlement of the question. He hoped, that the French nation, too, through their administration, if ever they should have the good fortune to get an administration again, of which there seemed some little doubt, or otherwise that the royal individual who seemed to have in his hands the destinies of the nation, might at length find, that neither her Majesty's Government nor the British House of Commons, who were bound to redress wrongs like these, would allow no more time to be consumed in long dissertations upon this subject, coming back the moment one point was settled, to some other point that had already been settled, and delaying, from hour to hour, and from day to day, the concession of what must ultimately, in his opinion, be conceded. The right hon. and learned Member in conclusion moved an address for copies of all correspondence between her Majesty's Government and France relative to the claims of her Majesty's subjects on account of injuries inflicted on British trade on the western coast of Africa since 1834.

Mr. *Grote* would not have interfered, if he had not satisfied himself, that there had been great wrong and great aggravation in the way of insult and oppression offered to the British merchant. If the same wrong had been inflicted on any French merchant, he (Mr. Grote) should have said, that the Englishman by whom it was inflicted, deserved the most serious reprimand and censure. The person on whom this great positive wrong had been inflicted—this same merchant had sustained a still further loss by being interdicted from carrying on trade there ever since. There was also the very serious and permanent damage of having that trade for ever interdicted to English capital and enterprise. He hoped, that the correspondence which the noble Lord had entered into with the French government would show, that he had been urgent in this matter on the French government. Still he was aware, that it was a matter very fit to be pressed on the attention of the House of Commons, more especially as five years had now elapsed since the damage had been done. The French government was more reluctant than ever he was sorry to say, to entertain the proposition of compensation, and had shown nothing like an inclination to accord satisfaction any more now, than when at first the matter was inquired into. Such conduct, uninquired into, and unredressed, tended to inflict on British commerce a feeling of insecurity of a most injurious description. He would not long detain the House, but would conclude with impressing on the House, the necessity of taking some steps on the question.

Viscount *Palmerston* said, when this question was brought forward last year, he had stated that he was fully sensible of the importance of the matter. He was at the time in negotiation with the French Government on the subject of the claims made for compensation by the parties who were sufferers, and he had been in hopes that before any further inquiry would have been entered into substantial redress would have been made. He had to state, that the discussion between the two Governments on the subject had not yet been brought to a conclusion. He undoubtedly agreed with his right hon. Friend, not only in the statement of facts, but also in the opinion that he had expressed, that wrong had been done to British subjects, for which they were entitled to compensation at the hands of the Government of France. That being the opinion of Government, that opinion had been conveyed to the Government of France, and they had endeavoured to satisfy and convince the Government of France of the justice of the claims they had made. The Government of France had not yet admitted that those wrongs of which they complained had been inflicted on English subjects. The French Government had stated also that which was not satisfactory to her Majesty's Government; they had contended that their officers were borne out in what they had done, and that consequently there was no ground of claim on the French Government. Now the reasons alleged by the Government of France did not appear to her Majesty's Government to be sufficient or satisfactory; and (her Majesty's Government) were continuing to press on the French Government reasons, which in their opinion, conclusively established the claims which some English subjects had made on the Government of France. Now, that being the state of the case, the discussion being still pending between the Government, he was persuaded that on the one hand, his right hon. Friend who had made the motion, and the hon. Gentleman who had supported it, would feel that it would not be consistent with Parliamentary practice, and not advantageous, but on the contrary, that it would be disadvantageous to the public interests, if he were to yield to the motion his right hon. Friend had made, and consent to the production of those papers; because it was never the custom of the House to insist for the production of papers while discussions were pending between the English Government and a foreign power, and especially when the discussion related to such a question. And for the same reason, he was convinced that the House would be of opinion that it would not be fitting for him to enter into any examination of the facts and arguments of the case, or that it would be proper for him to state the grounds on which they thought the claims were just, or to enter into an examination of the grounds brought forward for refusing the claim. He would assure the House that her Majesty's Government were fully impressed with the importance of this case, both as regarded the interests of the parties concerned and as regarded also the general interests of the commerce of this country; and he could assure the House that no endeavours should be wanting on the part of the Government to convince the French Government of what they considered a just and proper claim. And although it might be understood that Government were slow to admit the justice of claims which, being admitted, not only proved them to have committed a wrong, but also proved that reparation was due from them, still he was satisfied that the Government of France had much too great respect for itself and for the great country whose affairs were intrusted to its hands, not to be ready to give full reparation whenever it should be satisfied that that reparation was just.

Alderman *Thompson* said, he must beg leave to offer a few observations in reply to what had fallen from the noble Lord. He was against calling for correspondence generally in such a case, but this was a case *per se*. For what were the facts? This negotiation had been going on for the period of four years. Nine months ago they had been told that the question had assumed a character which would lead to a satisfactory termination. Now, the noble Lord stated, that all his efforts had been unsuccessful to satisfy the French Government of the justice of those claims. The French denied that they had done any wrong. Now, under such a state of things, and viewing the great importance of this question—for it was not a question of an individual having been permanently affected by these outrages, great as the inconvenience had been which the parties must of necessity have sustained, as every commercial man must be aware, to have so large a sum as £.100,000 abstracted from their capital for a period of four years; but it was not on that ground only that redress was required, but there was the permanent injury to commerce. He saw no reason why that House should not take effectual means to recover proper compensation. It did appear to him, therefore, that the correspondence and despatches ought to be produced. He thought, from the statement of the noble Lord himself, that he ought to produce this correspondence, in order to satisfy the House and the country that no efforts had been left untried to settle the question. It was well known that the object of France was to get possession of the entire coast of Africa, and this outrage had been really committed for the purpose of annoying British commerce, and not with the view of redressing any wrong done to France by the Trazars. He, therefore, did think that this was a case which required the interference of Parliament, and he despaired of redress unless by the intervention of that House.

Mr. *Hawes* said, on the admission of the noble Lord of the state of the case, the country had a right to know what chance there was of obtaining any speedy redress, particularly when it was added, and he spoke correctly, that the last communication from the French Government was an absolute denial of our claim, so late as July last. In what state was our trade there at present? Was there any protection given to it now? Were we able to carry on the trade? Had our traders the protection of an armed force? and if so, how was it that up to this moment the aggression, of which complaint was made, had succeeded in extinguishing our trade? He thought there was ample proof that the Foreign Government had not been attentive to the interests of our trade. British merchants could not go on trading from year to year, as the French Government had absolutely denied the claim, and consequently made it unsafe to trade. He must say, he thought the Government was bound to take more effective measures to enforce attention to its demands than the noble Lord had indicated that the Government had thought proper to take. There was one question which must force itself on their attention—it was, to what extent were our merchants to put up with French interference with our commerce, and to what extent were they to put up with interference in despite of treaties and express statements to the contrary? He said, that they ought not to acquiesce in apathy to aggressions on the part of the French, whether in Africa, or on the coast of Mexico, until the French had obtained establishments which would effectually compete with our trade. These were surely aggressions which the House ought not to allow the Government to pass over· He spoke the sense of the whole mercantile community when he said, that peace could not long exist between the two countries if these successive aggressions went on. The whole responsibility rested with the noble Lord: from him they had a clear right to demand the state of the present negotiation.

Mr. *Hume* said, after the great patience which had been exhibited, it behoved Government to lay the papers on the Table. He admitted the degree of patience which every public officer ought to exercise; but he thought the noble Lord was not dealing fairly with the merchant. He did not think any other country, America, for instance, would put up with such delay. He believed, if the President came to the resolution, honestly and fairly, that this was a just and honest claim, that he would send it down to the House and ask their opinion on the subject. And what did the noble Lord? He said it was not a good example. He (Mr. Hume) thought it was; and that the noble Lord, after his speech, had good ground for such a precedent.

Viscount *Palmerston* begged to say one word in explanation. He thought he must have been misunderstood when it was said that he had stated, that the French Government absolutely denied the justice of the claim. If the case were in that state, he should admit that there was ground for the production of the papers; but what he had stated was, that the French Government had not admitted the justice of our claim, but considered it was a question still under discussion. With regard to the point alluded to by his hon. Friend the Member for Lambeth, who seemed to think that there was no protection afforded to the trade to Portendic, every season they had sent armed vessels to that point, and he had no reason to believe it true that the ceasing of the British importation of gum was owing to any want of naval protection to commerce there.

Mr. *Hume:* Would the noble Lord state what naval force there was there to give protection?

Viscount *Palmerston* said, the gum trade was carried on at certain seasons of the year; and at that particular season of the year one or two ships of war, as the case might be, had been sent there; and he was not aware that that protection had been inadequate.

Sir *R. Peel* wished to ask a question, which was not altogether unconnected with the matter before the House. It related to the seizure of the pilot on board the Express packet. It would be in the recollection of the House, that when this subject was before the House, on a former occasion, he had ventured to predict, that the French Government would give that prompt, frank, and satisfactory explanation of the affair, which became the Government of a great nation. That prediction, he was glad to perceive, had been fully verified. The honorable manner in which that explanation had been voluntarily given was, of course, satisfactory to this country, and by it France had set an excellent example to us to follow, under similar circumstances. But in that explanation, as it appeared to him, it was stated that the Express packet had been mistaken for a merchant vessel. Now what he wanted to know from the noble Lord was, whether it was admitted to imply that a blockading force could take a pilot from a merchant vessel, having the flag of its nation flying, and whether the English Government would not consider that the same protection should be extended to its flag on board a merchant ship, as to any of its vessels of war?

Viscount *Palmerston* admitted, that there was no difference between the protection which should be extended to our flag flying in a merchant vessel, and to one of our ships of war, and an insult to that flag, would be as great a violation of our rights in a merchant-ship as in a ship of war, but the letter from Count Sebastiani stated, that the French was not aware at the time that the Express belonged to our royal navy, but he did not even know that she belonged to the British marine—a term which, in its French acceptation would include merchant vessels, as well as ships of war; and Count Sebastiani stated to him, that that term was advisedly used as meaning that vessels of both classes were equally entitled to protection.

Sir *R. Peel*—It was then clearly understood, that we contended for the perfect right of protection to our flag in merchant-vessels, as well as to our ships of war?

Lord *Palmerston*—The only difference would be, that an attempt of the same kind on a ship of war, might lead to a more immediate collision, and tend to bring the question to a more speedy issue; but, in point of national right, there was no difference whatever between the protection to our flag on board vessels of either kind.

Mr. *Philip Howard* did not oppose the motion of the right hon. Gentleman, from any wish to under-rate the grievances and injuries sustained by British merchants, but because it could not be gainsayed that a severe shock would be given to representative governments, if it were found impossible safely to negociate with them. If the English House of Commons, and the French Chambre des Députes forced their Governments to give up state papers pending negotiations, the peace of the world, which depended frequently on diplomatic honour and confidence, would, on many occasions, be placed in needless peril; and, as in this instance, a transient advantage would be dearly bought by a precedent productive of lasting inconvenience. The injuries which had been inflicted on English merchants was, in this case, of no trifling moment; the supercargoes of two vessels, the "Industry," and the "Governor Temple," had been imprisoned, the British flag fired upon, and it would behove the honour and justice of the French monarch, and the French people, to make good the injury sustained by unoffending merchants, and that the French Government would make reparation with the frankness which had marked its proceedings in the case of Mexico, when a wrong inflicted had been clearly proven, could not be doubted. He (Mr. Howard) might add, that the present state of the French ministry was a reason for not then pressing the motion to a division. Once fairly planted in office, the noble Secretary for Foreign Affairs might fairly, and he was sure he would earnestly, challenge attention to this subject. The hon. Member for Lambeth had, in some degree, overstated the case of the French occupation of Algiers: on reference to the correspondence which had passed on the subject between the Earl of Aberdeen and the Prince de Polignac, on the subject; he would find, that the latter had stated, "that in the event of the dissolution of the Government of the Dey of Algiers consequent upon the struggle between the troops of his most Christian Majesty, and the rulers of that state, the French monarch would concert with his allies, as to the occupation of that territory—and the result had been, that the French Government on giving a pledge, not to pass a stated line on each side—had been allowed to retain that portion of the soil of Africa, as a colony of France; but the coast line so to be occupied, had been strictly defined and limited by subsequent declarations. It would be inferring much weakness and vacillation on the part of the sovereigns of the allied powers, to lay it down unconditionally, that formal possession had been taken of that part of Africa, by the French, without some understanding as to the limits of their jurisdiction.

Sir *S. Lushington*, in reply, said, that he was glad that his statement of the facts in this case had been received with approbation by the House. At the same time he felt himself placed in a situation of considerable embarrassment. He had, in fact, nothing to reply to, and the question he had brought before the House was in the same state as if he had not opened his lips on it. He had got from his noble Friend the Secretary for Foreign Affairs, the same assurances on this occasion which had been given to him in August, 1838. He regretted that when this matter occurred in 1835 it had not been taken up by Parliament. If it had been noticed in the same spirit which had been manifested by Parliament in the case of the Express Packet, there was no doubt that long before the present time it would have been brought to a satisfactory conclusion. The question, though one of importance in a pecuniary point of view to the parties concerned, did not derive its chief importance from that circumstance. The great question for the Government and for the House to consider was, whether the commander of a French vessel, by his own power and authority, could seize British vessels and imprison British subjects, with impunity. That was the question which should form the main subject for consideration. The pecuniary question was not unimportant; though owing to the high rank and great respectability of the merchants concerned, the loss sustained could be borne, yet to others in less affluent circumstances it might have brought utter ruin. Under the circumstances stated by his noble Friend, he felt that he ought not to press his motion at present, but if he should now refrain from urging the production of the papers it would be on two grounds. The first, that it was not usual with that House to call for the production of correspondence on a subject on which negotiations were still pending; and, secondly, his firm hope that now a more forcible appeal would be made by the Queen's Government to that of France, backed as it would be, not only by the strong approbation of the House of Commons, but also by the general feeling of the British people. With such support, he did earnestly hope that the opportunity of making this forcible appeal would not be lost by the Government. On these considerations he would withdraw his motion.

Sir *E. Codrington* said, that if the old custom of having ships of war stationed in those places where British trade to any extent was carried on had been adhered to in the present case, we should never have heard of such complaints as these.

Motion withdrawn.

HARBOURS ON THE SOUTH-EASTERN COAST.] Mr. *E. Rice* rose, pursuant to the notice he had given, to move an address for an inquiry into the state of the Harbours on the South-eastern coast. The question was one which had met the approbation of all the distinguished naval officers in and out of that House with whom he had conversed. It was the more necessary that our south-eastern harbours should be placed in a fit and safe state for the reception of vessels, as we were about to have a greatly increased intercourse with the continent. A line of rail-road from London to Dover had received the sanction of the Legislature, and was now in a state of considerable forwardness; and a line of railroad from Calais and Boulogne to Paris had received the sanction of the French Chambers. When these were completed, it was natural to expect a vast increase of intercourse between London and Paris, and other parts of the Continent. Under these circumstances, the condition of our south-eastern harbours was a matter of considerable importance. He did not wish by his motion to pledge the Government to any outlay of money; all he wanted at present was, an examination of the condition of those harbours by scientific men. He had brought forward this motion as the representative of a port where the necessity of such improvement was greatly felt.

The *Chancellor of the Exchequer* did not wish to throw any difficulty in the way of the hon. Member's proposition. It was highly important that both Government and Parliament should have the best information that skill and science could give on this subject; but he wished it to be distinctly understood to what extent he was willing to go, because, if undue expectations were excited respecting this inquiry, and if it were thought that

Government would expend large sums of money in obtaining information respecting these harbours, the result would be to paralyse all private and local efforts for effecting the object in contemplation. In consenting, therefore, to this inquiry, he wished it to be clearly understood that it was only so far that he would go, and no further. The first point was to consider the present state of the harbours, and the next would be to consider the best mode of improving them; the latter, however, would depend upon local questions; and the greatest good that could be done was to give the persons locally connected with them the best information that could be obtained.

Mr. Alderman *Thompson* thought, that this was a great national subject of inquiry, and wished to know why the proposed inquiry should not be extended further. The north-eastern coast was, as to navigation, much more dangerous than the south-eastern, and he should, therefore, move, that after the words " south-eastern coast" in the original motion, the words " and north-eastern coast" be added.

Sir *E. Codrington* said, he had risen before to second the original motion, but had given way to the Chancellor of the Exchequer. The difference between the original motion and the amendment in his opinion was this—that if war arose, it was in the narrow seas more especially, that harbours of refuge were required, because, in the present state of steam navigation, steamers could run over very rapidly. To call upon the Government, therefore, to go into an inquiry as to any other part of the coast than the south-eastern, was, as he thought, unnecessary at the present time.

The *Chancellor of the Exchequer* said, that if the amendment were carried, every portion of the coast would be a proper subject for inquiry. It would be much better, and he would put it to the hon. Member opposite, to allow the inquiry first proposed to be completed, and, when the result of that was known, then to consider the necessity of extending it. He should, therefore, oppose the amendment, more especially as the hon. and gallant Member behind him had shown a difference between that and the original motion, from the circumstance of refuge harbours being more required in the narrow seas in case of war than in any other part.

Mr. *Planta* considered it most important that inquiry should be made into the present state of our harbours. He happened to be living on the very coast respecting the state of which inquiry was now proposed, and during the last autumn not less than six ships had been wrecked because there was no refuge port for them to put into between Dungeness and Beachy Head. He might, if necessary, also quote the opinion of the illustrious Warden of the Cinque Ports in favour of inquiry into this subject, and thought that it was more satisfactory that Government should make this inquiry than to leave it to a committee. The present motion, if it were carried, would produce great practical good, and he was delighted to find, that the Chancellor of the Exchequer had at once so fairly, and he might say so cordially, given to it his assent. With respect to the amendment, he would say, with the Chancellor of the Exchequer, "let this inquiry be gone into first, and when the result was known, then extend it further, if necessary."

Mr. *A. White* considered this an important inquiry, and that it must be advantageous, but thought the north-eastern coast equally well deserving of consideration, and he therefore hoped the Chancellor of the Exchequer would agree to the amendment.

The *Solicitor-General* said, that in case the amendment was adopted, he should certainly propose to extend it to the south western coast.

Mr. *F. Hodgson*, if that were proposed, should be most happy to support it, as one part of the coast ought not to be favoured over others.

Mr. *Darby* said, that upon the coast referred to in the original motion, this question had been considered of vast importance, and he felt great obligation to the hon. Member opposite for bringing it forward, and to the Chancellor of the Exchequer for so readily acceding to it. He hoped, however, that his hon. Friend near him (Mr. Alderman Thompson), and also the Solicitor-General, would not press their amendment, as there was a great difference, on account of the narrow seas, between the south-eastern coast and any other part.

Sir *T. Troubridge* was most anxious that the House should come to a decision, and he must thank the hon. Member for having brought it forward, and the Chancellor of the Exchequer for having seconded it. He thought there was a great necessity for inquiry as to the state of the harbours on the south-eastern coast, and he hoped the House would throw no impediment in the way; but if the amendment were carried, the inquiry might as well be extended to all the coasts of England, Scotland and Ireland.

Mr. *Pease* thought the House was taking too light and superficial a view respecting the north-eastern coast; for there were twenty vessels passing along that coast for every one that went down the Channel. The south-eastern coast in a great measure relied upon the aid of Government, whilst the north-eastern coast had depended on its own private resources, and had expended thousands, he might say millions, in making the harbours efficient. He agreed, therefore, with the Chancellor of the Exchequer, that Government interference should only be carried to a certain extent, and not so far as to do away with the exertions of individuals locally connected with the parts of the coast inquired into. At the same time, if the amendment were lost, he hoped the Government would consider the state of the harbours on the north-eastern coast as well as on the south-eastern.

Amendment withdrawn, original motion agreed to.

COMMERCIAL RELATIONS WITH DENMARK.] Mr. *Gibson* rose to move an address for "copies of any despatches or correspondence that may have passed between the British mission at Copenhagen, and her Majesty's Secretary of State for Foreign Affairs, relative to the duties and fees lately imposed by Denmark upon the transit of goods between Hamburgh and Lubeck." Before he discussed the question how far he was justified by circumstances in calling for this information, he would briefly state the nature of the communication between Hamburgh and Lubeck, and the manner in which the tolls levied there acted upon British interests. That road constituted the shortest communication between the North or German Ocean and the Baltic, and a sort of highway for commerce between that sea and the west of Europe, by which a long voyage round the Sound was saved. Up to the present time this road had been free from all tolls and duties whatever, and, as there were parts of the year when the navigation of the Sound was dangerous, the freedom of this road was of particular importance to the commerce of Europe, and especially of Great Britain. During the years 1836 and 1837, a considerable quantity of the staple articles of British industry passed along this road on their way towards the Baltic Sea, and into it, commerce was more and more diverging every day, because the danger of a voyage round the Sound was thereby saved, and both the duration of the voyage and the rates of insurance decreased. In 1838, a proposal was published at Copenhagen to place tolls on the transit of goods between Hamburgh and Lubeck. It was not stated that these tolls were intended as a compensation for anything that had been done by the Danish Government for the purpose of making the road passable, which had continued in a most execrable condition under the dominion of Denmark. An exemption from tolls to a certain extent was also proposed with regard to foreign produce, so that their imposition was inconsistent not only with the spirit, but with the letter of the treaties between this country and Denmark. The proposal at Copenhagen in 1838 was to levy a duty of ten *schillings* currency on every 1 cwt. of goods going from Hamburgh to Lubeck, and only five *schillings* on the same weight going from Lubeck to Hamburgh. Now it was manifest that the former rate would be imposed on British produce, and the latter on Russian and Prussian produce. In point of fact, this was an imposition of discriminating duties in favour of Russia, and a violation of the contracts of former treaties, by which all discriminating duties was abrogated. At the same time it was proposed to exempt the staple articles of Russian and Prussian produce from all duties, though not as Russian and Prussian produce; and it was settled that the new arrangement should come into force on the 1st January, 1839. A few days before that period, however, another proclamation was made by the Danish Government, notifying that the intention of levying double duties was given up, and the tolls on goods, whether going to or from Lubeck, would be equalized; but the exception in favour of Russian and Prussian produce was persisted in, while, in spite of the existence of treaties of reciprocity, abrogating all discriminating duties, tolls were levied on British goods. This was a state of things which called for some explanation from the Government. Perhaps he should be told by the noble Viscount that there might be some old treaties giving to Russia a right of way along this road, and that consequently she was exempted from duties. Then, that if that were the case, why was not the produce of Russia exempted expressly as such, instead of being arranged that hemp, tallow, corn, &c. which were also the produce of other northern countries, should be free from toll? He would now briefly state to the House the nature of the treaties concluded between this country and Denmark. The last treaty was concluded in 1824, and it opened by a declaration on the part of the contracting parties that all discriminating duties should be abrogated. By article thirteen of the Treaty of Commerce all the ancient treaties of peace and commerce between England and Denmark were renewed in the fullest extent, so far as they were not inconsistent with the stipulations of that treaty. Among those ancient treaties were the treaty of 1670, and the treaty of 1660. By the former it was provided that the merchants of Great Britain should not be subject to greater dues than those imposed on other foreigners in the territories of Denmark; and by the latter it was agreed that if the Dutch or any other nation, the Swedish alone excepted, should ever obtain from Denmark better terms in respect of the imposition of dues, the same should be extended in favour of the subjects of England. Having stated the nature of the stipulations between this country and Denmark, he did not mean to say, that jurists might not be able to put such a construction on them as would reconcile them with the facts he had mentioned; but still he maintained he had made out a *primâ facie* case for calling on Ministers for explanation. It was for the Government who had the care of the commercial interests of the nation, to state how they could reconcile the imposition of this duty on British goods with our treaties of reciprocity. Vattel laid it down that a country abused its territorial right if it levied a duty on the transit of goods which was not in compensation for advantage rendered to the transit, such, for instance, as the repair of the road. There were various reasons alleged why the duty he now complained of was imposed on British goods. One reason was, commerce was flowing into the line between Hamburgh and Lubeck, and that it was apprehended that the Sound dues would not last a great while longer. It was known that Russia, Prussia, and other countries were at the present moment protesting against the amount of the Sound dues, the rate of which was asserted to be higher than was justified by the original treaty, if any such existed. Well, then, Denmark, feeling all these questions rising up, and placing her Sound duties in jeopardy, felt it advisable to place the same duties upon goods passing through her German territories, and to impose the same duties upon goods going into the Baltic, as were imposed upon goods going through the Sound. But he did not see how that circumstance afforded a justification to Denmark, since it appeared to him that it was no plea for raising the transit duties between Hamburgh and Lubeck, that the Sound duties were excessively high. He hoped that the House would hear, from the noble Viscount, that he was protesting in common with other countries against the Sound duties, and also against the Stade duties, imposed by the King of Hanover, to the manifest injury of British commerce, and in direct violation of the treaty of Vienna. He hoped, also, that they would not be told that Hamburgh and Lubeck, being free cities, had referred this question to the German Confederation, and that it was now under the consideration of that body. He had no doubt that the German Confederation would come to a correct decision upon the question thus submitted to them, but it might be five or ten years, or even half a century, before it was finally settled. He hoped that this question would be dealt with as one affecting British interests, and not as in any degree depending upon the view taken of it by the German Confederation. The question was, whether British goods were to pay those duties at all, and whether it was consistent with existing treaties that they should have been imposed. Although he had reason to believe that owing to the remonstrance made by her Majesty's Government to the Government of Denmark a concession had been made by the equalization of the duties on goods passing from Lubeck to Hamburgh, and from Hamburgh to Lubeck, yet that concession was a concession in appearance only, because the duties were even now so high that all trade had been stopped in that direction. Persons now went a considerable circuit round rather than make themselves subject to the heavy duty which they would otherwise have to pay. He wished also that the noble Viscount would explain how it happened that lower duties were levied on Russian than on British goods. Having said thus much, he would not detain the House any longer, and would therefore conclude by placing his motion in the Speaker's hands.

Viscount *Palmerston* observed, that the question to which the hon. Gentleman had directed the attention of the House had for some months past engaged the attention of her Majesty's Government. In August last her Majesty's Government understood, that it was the intention of the Danish government to impose transit dues on goods passing between the Baltic and the North Sea—between Lubeck and Hamburgh, and that that duty, as the hon. Gentleman had stated, was not to be equal with reference to the direction in which goods were passing, but was to be doubled on goods passing to the Baltic as compared with goods passing from the Baltic. The question to be considered was, whether the Danish government had an abstract right to impose these transit duties. He was afraid that there was no ground upon which they could deny the right which belonged to every independent State to impose a transit duty upon goods passing through its territory, provided always, that that duty was moderate and equal only to the services performed by the country by which it was imposed, and provided also, that it was equal in its amount and operation as applied to all nations. Now, as related to the dues in question, the British Government first of all objected to the inequality of the duty, founded upon the direction in which goods were passing, and they made strong representations against that inequality, because it was obvious, that goods passing from the Baltic were deriving an advantage in the English market which was denied to goods passing from the British dominions to the markets of the Baltic. The result of these representations was, that in December last the Danish government informed the Government of this country of its intention to equalize the duty, by reducing the higher dues between Hamburgh and Lubeck to the lower rate of dues imposed between Lubeck and Hamburgh; that was to say, that whereas 10 schillings were originally imposed the one way, and 5 schillings the other, hereafter the duty was to be 5 schillings both ways. So far, undoubtedly, the concession of the Danish government was satisfactory; but it then appeared, that there was another principle of inequality (which had also been adverted to by the hon. Gentleman opposite), namely, that the duty was not to apply to all commodities—(not that there was any exception specifically of the goods coming from any particular country)—but that a certain description of commodities was to be exempted, those commodities happening to be those only which came from a particular country. That was to say, that the goods which were the staple commodities of Russia and other countries bordering upon the Baltic were exempted from any duty, whilst the goods which were the staple commodity of England were subjected to a very considerable duty. Upon the subject of that inequality the British Government again remonstrated, and that question was still under discussion between the two governments. The peculiar point at issue was one that ought not to escape the attention of the House, because the duty was not a discriminating duty in terms, inasmuch as it was not in favour of goods coming from any specified quarter; but practically, and in point of fact, it was a discriminating duty, because it favoured (without specifying the country) the importation of the productions of Russia to the prejudice of the importation of the productions of Great Britain. He should have no objection to produce that part of the correspondence which related to that branch of the question which had been brought to a final issue, namely, the communications between the Danish and British Governments which had led to the removal of the inequality previously existing between the transit of goods in one direction and the transit of goods in the other direction through the provinces of Denmark; but he thought the House would see that, according to the invariable principle which operated with those engaged in the public service, it was not advisable or expedient to produce that part of the correspondence which related to unsettled questions—to matters still in abeyance. Whenever those questions were arranged he should be perfectly ready to produce all the correspondence which related to them. It had been stated by the hon. Gentleman, that the duty lately imposed by the government of Denmark was the more unjustifiable, because no service had, in point of fact, been rendered for it, the road between Hamburgh and Lubeck being, from neglect, wholly unfit for the purposes of commerce. He certainly thought, that if the duty were persisted in, other countries, whose merchandise was to travel that way, had a right to expect, that a reasonably good road should be maintained over the short distance that their goods had to pass. It would, indeed, be the interest of Denmark to do so, because, as the hon. Gentleman had very truly stated, the merchants who previously transmitted their goods by the road between Hamburgh and Lubeck, in consequence of the high rate of duties lately imposed were about to adopt a route which, though somewhat longer, would be infinitely less expensive. So that if Denmark, with a notoriously bad road, chose to keep up a high rate of duty, it was plain, that in a short time she would not have it in her power to collect any duty at all. There was, however, a preliminary question pending, to which the hon. Member had also alluded, namely, the right of Denmark to levy this duty at all—not the right of levying it as regarded this country, or as arising out of any interpretation of treaties between England and Denmark, but the right of Denmark to levy such a duty founded upon ancient treaties between her and the Hanse Towns. That was a question upon which it was not then necessary for him to pronounce a decided opinion; but it was not upon that ground that he objected to the production of the whole of the correspondence moved for by the hon. Gentleman. He rested his objection to that motion upon the ground that negotiations were still pending upon the subject. The hon. Gentleman wished to know whether, in the opinion of Government, the duty could be leviable consistently with the treaties of reciprocity between Denmark and England. Now he (Lord Palmerston) should apprehend, that those treaties of reciprocity could not be considered as a bar to the levying of this duty, provided it were an equal duty, and levied only as a fair remuneration for services actually performed. The stipulation contained in treaties of that kind was generally this:—"That goods brought into the ports of one country direct from another should not pay a higher duty in consequence of their being brought in ships of a foreign country." The House would perceive that that was a question distinct from that to which the hon. Gentleman's motion related. Undoubtedly as related to the Sound dues, there had of late been mooted a question of considerable importance. It was this—whether the dues levied by Denmark were not greater than by existing treaties and ancient usage she was entitled to. He begged to decline expressing at present any decided opinion upon that point; but he begged to assure the House, that the attention of the Government was directed to it, and that they should feel it their duty to ascertain what appeared to be the just right of Denmark in that particular; and if it should appear that she was exacting an amount of dues beyond that to which she was fully entitled, steps would be taken to induce her to reduce them to the fair and proper level. With respect to the stade duties, it would certainly appear, that they had of late been levied in a higher degree and in a more vexatious manner upon the productions of this country. Upon that subject, however, her Majesty's Government was in communication with the government of Hanover, and whenever those communications were brought to a close either one way or the other, he should be ready to give every information with respect to them that might be desired. That, therefore, which upon the present occasion he would suggest to the hon. Gentleman, not in the least wishing to withhold from the House any information which could be given upon the subject at the present moment, without really injuring the objects which all must have in view—that which he would suggest to the hon. Member would be this—to limit his motion at present to an address for copies or extracts of any correspondence between the Secretary for Foreign Affairs and her Majesty's minister at Copenhagen, upon the subject of equalizing the transit duties on goods passing between Lubeck and Hamburgh. He would then produce the papers which related to that part of the subject. He would either move this as an amendment, or leave it to the hon. Member to adopt it as his motion.

Mr. *Hume* thought the statement just made by the noble Lord satisfactory, and he would recommend the hon. Gentleman to comply with the noble Lord's suggestion.

Mr. *A. Chapman* thought, that the

Sound dues were very fair, and that it would be impossible for the Danish government to furnish light-houses and other safe-guards to navigation in those dangerous seas without them.

Mr. *Pease* differed from the hon. Gentleman who had just sat down. The Sound dues were most enormous—far exceeding any sums expended by the Danish government for the protection of navigation, and were most grievously oppressive upon British commerce. The same observations applied to the dues recently imposed upon the transit of goods between Lubeck and Hamburgh.

Mr. *Gibson* consented to adopt the amendment proposed by the noble Lord.

Motion in the amended form agreed to.

CASE OF MR. DILLON.] Sir *Francis Burdett*, in bringing before the House the case of Mr. Dillon, whose petition was presented on the 27th of March last, observed, that if there were any one thing more important than another to the navy, it was, that all deserving officers and men should receive the rewards which they had well earned. Mr. Dillon, the petitioner in the present case, had been nine years a master mariner in the royal navy, and had afterwards served in the coast guard, in a situation which required good seamanship, much courage, and a great deal of judgment, skill, and discretion. It appeared, that he had performed all the duties of this situation with ability, skill, and courage, that he did not omit anything that zeal could prompt, or that courage guided by prudence could achieve. Mr. Dillon having the command of a boat engaged in the coast-guard service at Mill Cove Harbour, in the county of Cork, surprised and chased a smuggler of very superior size, crowded with men, and well armed, drove her from Mill Cove Harbour, where she evidently intended to make a landing, and compelled her, by the closeness of his pursuit, to seek for refuge in the harbour of Kinsale, where she was captured, and ultimately condemned. Immediately after the transaction, Mr. Dillon received a letter from the Treasury, expressing the highest approbation of his conduct, but much litigation ensued before the smuggler was finally condemned. Meanwhile Mr. Dillon entered the merchant service and sailed to the West Indies, where he remained for upwards of four years, and it was not until after his return that he heard of any charge having been made against him, or of any objection being raised to his receiving his due share of the rich prize which he had been the direct and immediate means of throwing into the hands of the tide waiter at Kinsale. He understood that, by an Act of Parliament, it was required that the names of all vessels condemned should be published in the Gazette. Whether from accident or not, he knew not; but that form, in the present instance, was omitted, and the consequence was, that Mr. Dillon was not aware of the condemnation of the vessel till his return. He then found that the sum adjudged to the tide-waiter at Kinsale for the seizure of the vessel amounted to upwards of 11,000*l.* It was quite clear, that if any body had a title to that sum, it was Mr. Dillon. He accordingly made his claim; and then, for the first time, he heard that there had been a charge made against him of cowardice for not boarding the vessel. He immediately applied to have an inquiry instituted into that charge, because Mr. Dillon conceived (and as he thought, rightly conceived) that there was no other possible ground for refusing to him his share of this large prize. In consequence of this application Lord Althorp directed that the whole of the papers, &c., connected with the affair, should be referred to Sir Edward Codrington; and, after a full examination of all the circumstances of the case, that gallant Officer reported that Mr. Dillon was highly justified in the course he had pursued. After the reference he looked upon his claim as settled, and he wrote to the Chancellor of the Exchequer to that effect, and Mr. Drummond in his reply, dated April 7, 1833, stated that the question would be re-considered. Mr. Dillon, however, objected to any revision, and wrote another letter, expostulating with the Government on the hardships of a revision of what he had understood to be a final adjustment. He then received a letter from Lord Althorp, in which he stated, that he was surprised that the claim had not been long since settled. Unfortunately, Lord Althorp did not remain long in office after that, and for some reason the claim had been never settled, for if the law of the case were clear, and if the facts were as he had stated them, he did not see why it should not be settled. As Mr. Dillon was very tender upon the point, whether he was or was not an excellent seaman, he had written to Admiral Sir George Martin, to Admiral Sir Robert Stopford, and to Admiral Sir P. Durham, and they said, that, relying on the correctness of the statement of his case, they thought that he had exculpated himself from the charge against him. The only suspicion that could rest anywhere was with the Board of Customs, but he had never been called before the board to make his defence, and how could they show that the claim could be with reason or with decency rejected? The Government, after agreeing that Mr. Dillon's character was irreproachable, had made an offer of a grant of 50*l.* But how could they reconcile this offer with the refusal of the claim? If Mr. Dillon were culpable, why did they give him 50*l.*? For, if he were culpable, he ought to have been tried or called to account, and he would have been happy to have been called to account. But why did they give him 50*l.*?—they acknowledged that he had cleared himself of what stood in the way of his claim, and yet they deprived him of his due reward for his skill and courage on that tempestuous sea. The case had been already taken up by many Members of Parliament, and Mr. Hardy, who was one, wrote to Mr. Dillon, saying, that on representing the case to the Chancellor of the Exchequr, the latter complained that Mr. Dillon had not made his claim immediately, but he went to the West Indies, which prevented his following the claim up at the time, and he could not afford to lose his professional gains into the bargain. If his were a just and good claim, surely this was not a very honourable answer that the claim had not been made for two years. The case seemed to him, though not very extensive, to be very strong. Was Mr. Dillon guilty of the charges brought against him? if he were not, had he not a legal right to the prize money? if not, had he had a trial either one way or another? and if there had been no trial why was his claim disallowed? He firmly believed all the statements which had been made, and he only wished the Chancellor of the Exchequer to allow the case to be brought before a competent tribunal. He would conclude by moving that a select committee be appointed to examine the merits of the petition of Mr. Dillon.

The *Chancellor of the Exchequer* took the liberty of very humbly asking the attention of the House to the facts of this case, not merely for the justification of the Government, but of the House of Commons itself; not alone on his own behalf, but on the behalf of Lord Spencer and those with whom he had had the honour of being connected, and on behalf, also, of the governments which had preceded the late and the present Government, and whose conduct was equally impugned. If there was the shadow of a claim on the part of this Gentleman, and he would not use a word of disrespect towards him, he was willing to treat him as was assumed by the hon. Baronet, as a deserving officer pressing claims upon the public. He must say, that as these claims had been before the House of Commons on two several occasions if there had been any denial of justice it had been on the part of the House of Commons itself. He stood there, however, to assert that there had been no denial of justice. The hon. Baronet had stated the case in the only way he could from the representations of the individual himself, and it was therefore no imputation on him to say, that he had only the means of forming an *ex parte* view of the case; and he (the Chancellor of the Exchequer) must take the liberty of stating to the House that, with reference to the present motion, he had acted as he had done upon all former occasions towards other Members, he had communicated with the hon. Baronet by letter, stating that every one of the papers in this case were at the Treasury, open to the hon. Baronet, and that he might inspect every document. If the hon. Baronet had inspected them he would not then have been placed in the situation of reasoning *ex parte;* he would have known all the facts and their bearing, and would have had an opportunity of ascertaining whether this gentleman's case were correct or not. He did not complain that the hon. Baronet had not accepted his offer, but as he had not accepted it, he could not complain if he had been made the victim of a delusive statement as to this transaction. The transaction occurred in 1822. The interval which had since elapsed, he would not say, was a bar to the claim; but at least, when an interval of sixteen years had occurred, it cast somewhat of suspicion on the case. For what changes of Government had since occurred? What if a gentleman had had an opportunity for so long a time of applying to the heads of the proper offices, if he could have brought his case before a court of law, if he could have profited by the professional authority under which he was acting, if he could have applied to the Treasury, which had repeatedly changed hands; if he could have applied to the government of Lord Liverpool; to the government of Lord Grey; to the government of the Duke of Wellington; to the government of Sir Robert Peel, and to the government of Lord Melbourne; and if all those governments had expressed an opinion upon the subject? Mr. Dillon had applied to each successive government, and though they did not agree in other matters, they agreed as to the claim of Mr. Dillon, and they had all utterly rejected that claim. Mr. Dillon's own story was this:—In 1822 he was stationed on the southern coast of Ireland: he had a bad crew, in which he had no confidence; and what did he do? On the 15th of February, 1822, "when the wind was blowing very strong, and there was a heavy sea," Mr. Dillon set out with saying, and not having any orders to go to sea in such circumstances, he went to sea notwithstanding; not to interrupt any smugglers, but with the single motive of impressing on the minds of his crew that they were to do their duty. When he was out he met with a certain ship called the Peru. He came up with her, and finding that he had not strength to cope with her, and as was affirmed by the judgment of Sir Edward Codrington, he had a sufficient justification in not boarding a vessel of such superior force. But he said, that though he had not sufficient force to board her, yet that he fired so many shots at her as to compel her to go into Kinsale, where she was taken. And then came down the hon. Baronet with the law of the case, and said, that because Mr. Dillon had fired these shots, that therefore he had driven the ship into Kinsale, that therefore she was taken, and that therefore Mr. Dillon was entitled to the prize-money. But so far from the vessel being compelled to go into Kinsale in consequence of the exertions of Mr. Dillon, she had been out in a gale of wind and had sprung a leak. The master wanted to go to France, but the crew rose against him, and carried the vessel against his wishes into the port of Kinsale; and being in that port, an adjudication took place, and condemnation having been made, the cargo was sold. This occurred in 1822, and though the hon. Baronet spoke of Mr. Dillon's going to the West Indies, and of his absence for four years, so as to have had no opportunity of preferring his claim, yet even if this had been the case, with the number of trading vessels monthly going out to the West Indies, it was scarcely probable that a man having a claim to £.11,000 would rest four years without pressing it. But Mr. Dillon did not, in fact, go out to the West Indies for two years after the seizure; he remained in the public service up to 1824; and would it be believed that during those two years he had never preferred any claim? Would any one say that Mr. Dillon, knowing the condemnation, should have remained so long without making any claim? When, however, Mr. Dillon was driven to give a reason for his long delay, he gave one which would satisfy hon. Gentlemen that there was not the shadow of a foundation for the claim. He would read to the House the reason for the delay from a written paper prepared by Mr. Dillon himself. They had been told by the hon. Baronet, that Mr. Dillon was not aware of the amount of his claim, and that he had been led astray because there had been no advertisement of the condemnation of the vessel. [Sir *F. Burdett* had never made that statement.]

The *Chancellor of the Exchequer* had understood the hon. Baronet to complain that there had been no insertion in any newspaper of the condemnation which the Government was bound in law to insert, and that, therefore, Mr. Dillon was ignorant of the condemnation.

Sir *Francis Burdett* did not state anything about Mr. Dillon's not knowing the value of the prize, but he complained that the condemnation had not been gazetted as it ought to have been, and that Mr. Dillon did not know of the condemnation when he went to the West Indies, at whatever time that was, whether it was two years or more after the seizure. That was Mr. Dillon's complaint.

The *Chancellor of the Exchequer:* But Mr. Dillon had himself assigned these as the facts, that shortly after the condemnation he learnt that the seizing-officer, Mr. Marsden, had been awarded upwards of 11,000*l.* as his portion of the seizure, and that he (Mr. Dillon) would have made the claim then, but he did not conceive (the word not being evidently inserted by mistake) the necessity and propriety of withholding for a time the proportion due to his crew, of whom he had received so indifferent a character, the better to ensure discipline and good conduct. So that, when he was called upon to explain the delay, he justified it because he had a bad crew, and that he withheld his own claim, because if he made the claim, it must be distributed among his bad crew as well as himself. The objection which had been raised against the claim was, that it had not been made at the time; and it had been further stated that he had behaved ill. After his claim had been repeatedly refused, he stated the hardship, independently of the question as to the money of the slur upon his character, and he requested an examination, because, till the slur was removed, he could get no employment in the merchant service. After many applications it was agreed, that this portion of the question should be referred to Sir Edward Codrington. But the question of the claim to prize-money was never referred to his gallant Friend. The hon. Baronet, therefore, was the dupe of an *exparte* statement, into which, if he had ever taken the trouble to look into the Parliamentary Debates, he would have been prevented from falling. After Sir E. Codrington's report as to Mr. Dillon's conduct, Lord Althorp consented that the claim to the prize-money should be reconsidered by the Treasury, and ultimately they offered, and Mr. Dillon took gratefully, the sum of 50*l.* from the royal bounty, and he gave a receipt, not on account or for expenses, but for a gift of 50*l.*, for which he was extremely grateful at the time he received it. The receipt he held in his hand, [Sir *Francis Burdett* crossed over the House, and took the receipt.] There was Mr. Dillon's own receipt—let the hon. Baronet and his counsel look at it, and see whether they could reconcile one statement with the other. The question had been decided by the Duke of Wellington's Government, which had expressed an adverse decision. Mr. Dillon repeated his application to that Government, and was at last informed that no further answer would be given, and that the claim could not be further entertained. Mr. Dillon next applied to the Government of Lord Grey, for it was the fate of every new Government, and he gave full notice of the facts to hon. Gentlemen opposite—to be called upon to revise all the acts of the preceding Government—and it would be found that those who were most forward and most eager in pressing their claims were generally those who had the worst possible case. Lord Grey's Government also considered this case, and the Board of Treasury, after repeatedly investigating the claim, came to the same decision as that of the Duke of Wellington. Then came the change of ministry in 1835, and then there came also the appeal from Lord Grey's decision; after the reference to Sir Edward Codrington, and after Mr. Dillon had been freed from the imputation of cowardice, the original minutes of the decision by Sir R. Peel's Government were in the hand-writing of the hon. Baronet the Member for Buckingham, and it was to inform the party that Sir R. Peel had referred his letter of "such a date" to the Board of Treasury, which "had again taken the case into their most attentive consideration, and that there was nothing in his statement to influence my Lords to depart from the decision which had been frequently come to by different boards of treasury." Mr. Dillon next stated to them that he had incurred expenses amounting to 4,450*l.*, and he claimed remuneration from Sir Robert Peel to that extent. On the 5th of March, the following answer was made:—Inform Mr. Dillon that my Lords consider his case finally decided, and request he will abstain from making any further applications to the Board." That was the answer of a Conservative Government; and yet the hon. Gentleman opposite came down to the House to complain of the harshness inflicted by a Whig administration. This, however, was not all; Mr. Dillon again came to Sir R. Peel's Government, and he then applied for the command of a packet, as he had frequently done before; and on the 31st of March, 1835, the Government gave this answer—"Inform Mr. Dillon that his case has been frequently considered, and the decision of the Board has been frequently communicated to him. My Lords do not admit that Mr. Dillon has any claims on the Government, and must decline to interfere in any way with the appointments given to the Board of Admiralty. Inform Mr. Dillon that all future application must be fruitless, and that the Government must decline to make any answer in future." In 1836, Mr. Sharman Crawford presented a petition to this House from Mr. Dillon, praying for an inquiry into his case; and it was then his duty to state facts to the same effect as those which he had now detailed. Mr. Crawford expressed himself entirely satisfied with the explanation which was given, and withdrew his motion, and from that time the Government were rid of Mr. Dillon. Having thus obtained the assistance of Mr. Crawford, and satisfied himself with the uselessness of any application to the Government by means of Members sitting on the ministerial side of the House, he went over to the Conservative ranks, and he booked Mr. Hardy, the late Member for Bradford, as his next victim, the predecessor of the hon. Baronet. That hon. Gentleman made a motion similar to that of the hon. Baronet, but the explanation having been once more afforded to the House, a division took place, when sixteen Gentlemen only supported the proposition, while forty-two were found to vote against it. He prayed the House, therefore, to pursue the same course now, and reject this motion. He thought he had done no more than his duty in giving the explanation which he had afforded, as the Government to which he had the honour to belong were held up to obloquy, as having omitted and refused to pay attention to claims which were professed to be just. If any fault, however, existed on the part of the Government, it was one of a nature exactly opposite to that alleged against them. It was not that they improperly refused to pay attention to such claims as the present; for they were rather disposed to give encouragement to the full extent of their power to those men who deserved well of their country. They could have no object in acting otherwise; and it was, besides, a most pleasant duty to reward merit. In the present case, successive Governments had fully investigated and decided upon the claim of Mr. Dillon, and the opinions so expressed had been confirmed by that of the House of Commons; snd he therefore sincerely hoped that the House would not sanction this renewal of the discussion.

Mr. *Litton* considered that a fair case for inquiry had been made out, and he thought that the proposition was the more abundantly confirmed, as the right hon. Gentleman who had last spoken, although he had gone into considerable detail, had not stated that any real inquiry had yet been made. The case, it was true, might have been investigated by a Treasury clerk, or a Treasury commissioner, but he thought that the House would agree with him that no tribunal had been engaged in the investigation, with power or information sufficient to come to a proper conclusion. The right hon. Gentleman admitted the law of the case, and he contended that after the charge of cowardice had been negatived by Admiral Codrington, the claim of Mr. Dillon could not be disallowed. The claim was in effect admitted by Lord Althorp after that in 1833, who, upon being applied to upon the subject, said that he was surprised that Mr. Dillon's claim had not long since been disposed of. He rested strongly upon this letter, for no new fact had been since discovered which at all took away from the justice of the demand made upon the Government.

The *Chancellor of the Exchequer* explained. He said, that he believed that there was another letter from Lord Althorp upon this subject, which had not been communicated to hon. Gentlemen opposite. On the return of that noble Lord to town, he directed Mr. Drummond to write a letter, in which, after stating the facts, he said that after a full investigation of the case, the noble Lord was of opinion that the money having been distributed, and no claim made until so long a period had been allowed to elapse after the transaction, the Treasury Board could not come to any other determination than that which had been already communicated.

Sir *Francis Burdett:* as he perceived the sense of the House to be against him, should not give them the trouble to divide.

Motion negatived.

LIGHTING THE HOUSE OF COMMONS.] Sir *F. Trench* rose to propose the resolution of which he had given notice, namely, that it is the opinion of this House that the present mode of lighting the House with wax candles and green shades is satisfactory; and that, therefore, further experiments and expense are unnecessary. Gentlemen were, probably, not aware of the expense attending the experiments that were being carried on respecting the lighting of the House. He believed that the hon. Member for Kilkenny was the main director of the present experiment. Hon. Gentlemen would perceive that there were eight large lenses inserted in the roof of the House, and undoubtedly the light that was intended to be given was of a very beautiful nature, but it was almost as brilliant as the light of the sun, and was not fit for an assembly of English gentlemen; indeed he did not think that it would be tolerated by an assembly of eagles. It might be an admirable light for a light-house, but it was not fit for the House of Commons. He cared not one farthing for the expense of the experiment, but he could not help complaining of the manner in which he had been stinted in his light, and that he had not equal facilities afforded to him that were given to the Member for Kilkenny. In the proposed plan there were eight lenses, in each lens there were eight lamps, and each lamp had eight burners, each of them had a separate dépôt of oil, and a supply of oxygen. Although oxygen was not in itself calculated to do any harm, yet, in producing it, they must have retorts, and these might be productive of great danger to the House. They were told that there was no danger attendant on these experiments; but so the Trinity-house was told with respect to Drummond's light, which, however, on one occasion, led to an explosion, which carried off the roof of a lighthouse. It would also be extremely disagreeable in case of the overturning of any of these lamps, to have the oil pouring down on the heads of Members. These lights also would require constant superintendence, and if they had not a philosopher to look after every light, they would at least require more than one peripatetic philosopher to superintend them. If the present light was deficient or bad, there would be a reasonable ground of complaint; but if there was any defect, it arose from not adhering to his instructions. They had taken away sixty of his lights, and then they had given him some of inferior quality. Gentlemen would hardly believe that, instead of giving the same candles on Friday as they gave him on Thursday; they were materially diminished, and of inferior calibre. He had taken great pains with the subject, and for the future he washed his hands of the matter; but he trusted that the hon. Member for Kilkenny would use his influence so that he had a proper supply of candles. He should not trouble the House further, but conclude with withdrawing his motion.

Motion of which notice had been given, withdrawn.

HOUSE OF LORDS,

Friday, *May* 3, 1839.

MINUTES.] Petitions presented. By the Duke of SOMERSET, the Marquess of BREADALBANE, and Lords HATHERTON, PORTMAN, BROUGHAM, ROLLE, and POLTIMORE, from a number of places, for a Uniform Penny Postage.—By Lord HATHERTON, from the Great Union of Salop, in favour of the New Poor-law; and against any Alteration of the Act.—By the Earl of RODEN, from Liverpool, against any further Grant to Maynooth College; and from a place in Ireland, against compelling Presbyterian Soldiers to attend Churches not of their own persuasion.—By the Marquess of BREADALBANE, from a place in Stirlingshire, and the Earl of ABERDEEN, from several places, for Church Extension in Scotland.—By the Marquess of DOWNSHIRE, from the county of Devon, against the Repeal of the Corn-laws.—By Lord ROSSMORE, from the county of Down, in favour of the Ministerial Policy in Ireland.

CANADA. — MESSAGE FROM THE CROWN.] Viscount Melbourne presented a message from her Majesty which was read by the Lord *Chancellor* as follows:—

VICTORIA, R.

"Her Majesty thinks it proper to acquaint the House of Lords that it appears to her Majesty that the future welfare of her Majesty's subjects in Upper and Lower Canada would be promoted by the union of the said provinces into one province for the purpose of legislation from and after a period to be fixed by Parliament.

"Her Majesty, therefore, recommends it to the House to consider such measures as may be submitted to them for this purpose.

"Her Majesty is persuaded that the House of Lords will combine a due regard for the peace and security of these important provinces, with such provisions as may be conducive to the welfare of England, and the permanent freedom and prosperity of her North American provinces."

The message to be taken into consideration on a future day.

NATIONAL EDUCATION.] The Bishop of *London* seeing the noble Lord the President of the Council in his place, he wished to move for a paper containing the minutes of a meeting of the Privy Council, dated April, 1839, which, though brief, embodied principles of the utmost importance to the people at large. He had looked with the most anxious wish to find in that paper the indication of some scheme which might be calculated to remove some of the chief difficulties that had hitherto stood in the way of such a system of national education as would conciliate all parties. He confessed that he did not expect to find such a scheme; because long experience of the state of religious feeling in this country had convinced him that such a scheme was impracticable; but above all he did not expect to see (he wished to avoid any harsh expressions) such a scheme as that which had been propounded in this paper. On the present occasion, it might appear impertinent, if not irrelevant, in him to trespass at any length on the attention of the House with respect to that subject, all-important as it was; but he could not refrain from calling attention to the principal features of that scheme, for it appeared to him, after most mature, and he hoped not uncandid, consideration, to contain all the vices of the Irish system of education, without being excused by that palliation which was to be found in the peculiar and unfortunate circumstances of the sister country. Here then, was no necessity for such a scheme, or anything like it; the result of it must be to spread throughout the land latitudinarian principles. It was an attempt which, however, he doubted not, would be an unavailing one to comprise in one system of religious education whatever class or denomination of religious sects existed in this country—a system which if it could be carried into practice at all, would not be a system of religious instruction. It would in the first place lead to indifference and generalities, and in the last, to irreligion. If a system of national religious education were to be based on the principle of giving to the members of every different sect the same advantages as were enjoyed by those in connection with the Established Church, then the Established Church might as well, so far as its connection with the State and the use and object of that connection was concerned, at once abdicate its functions. He protested against the principle that a school should be established by the State in which, in the first instance, a chaplain connected with the Established Church was to be paid for superintending the religious instruction of the scholars; but in which, so soon as the Government thought that a sufficient number of Dissenters had been collected in that school, then there should also be a Dissenting chaplain, who was to be called a licensed minister. If that were equitable and right for one class of Dissenters, it was equally so for another; and if the school comprehended a large number of scholars, as was the avowed intention, then it would become an object with each sect to collect there as many representatives of their particular sect as possible. Each class was to have its licensed teacher of religion, and there would therefore be established in one institution for religious education five, six, or seven teachers of different religious denominations, conflicting with one another. The result at least, must be, that the children would be brought up in principles of the widest latitudinarianism; they would be brought to think that it was of very little importance what system of religious opinions they adopted, if it did not end in their thinking that it was of little importance whether they adopted any. In conformity with that plan, not only the authorised version of the scriptures, which had hitherto been regarded by the people of this country with veneration, but the Roman Catholic version, would be introduced into this school; and if the Roman Catholics, why not the Socinian or any other version which any particular sect might wish to introduce as favourable to their views? What could be the consequence but the total subversion of that feeling of reverence which he maintained it was their bounden duty to encourage and inspire towards the word of God? What must be the effect of an establishment such as that, which by the principles of its formation announced that other branches of knowledge were essential, that there was a course of secular instruction which, all who went to the school must go through, but that the scriptural instruction they might receive, or not, as they pleased? By a strange phraseology the order in Council spoke of "peculiar religious instruction," as if there could be any religious instruction which would not be peculiar religious instruction. Could any man, with any experience as to the differences between religious sects, believe that there could be any instruction which was religious instruction at all that would not be peculiar? It was with unfeigned grief that he felt compelled to speak in language so strong, of a system, the designers of which, he doubted not, thought that it was calculated to benefit the country; but he had been urged to bring forward the subject without delay, from the deepest conviction that, if that system were acted upon it would inflict the heaviest blow that had as yet been struck at the religion of the country, and the Established Church of the country, because they could not aim a more deadly blow at that religion than by attacking her through the medium of the education of our youth. When the paper itself had been laid on the Table he should think it his duty to bring the question before the House in a more solemn and regular manner. He thought that it was the duty of the clergy and particularly of the bishops, as the rulers of the Church of England, to protest against all attempts to force upon the people of this country as a national system of religious education, any system which was not connected with the Established Church, and which by implication, though he hoped not by intention, was calculated to throw some discredit on that Church, or at all events to raise all Dissenting sects to a level with it in the estimation of the people. As to the country, so far from its being true that any desire existed for any such benefit as could be derived from the proposed system, he was confident that before long their Lordships' table, and that of the other House would be loaded with petitions from those classes who were most interested in the subject, praying that Parliament would not do that which the Privy Council had recommended—that they would not withdraw from the national societies for education the assistance which been extended to them. Those societies had not, nor did they claim, a monopoly; but they claimed to be assisted only in proportion to their own exertions, He would not then enter into the question whether Dissenters ought to be assisted by the State in the education of their children. That that had been done had not been made a cause of complaint by them, because they were certain that the feelings of the country were with them, and they had no reason to fear competition. He trusted that their Lordships would give this subject their serious and candid consideration; and then they must say whether, consistently with their duty to the Established Church, they could give their sanction to such a plan as that, of which the outlines had been laid before the public by the order of the Privy Council. He did not impute to the members of the Privy Council any intentions unfriendly to the Established Church; but if the plan itself were injurious to that Church, the best intentions on the part of its framers would afford no justification to their Lordships for giving them the power to carry it into effect.

The Marquis of *Lansdowne* said, that if the right rev. Prelate had contented himself with merely moving for the paper, it would have been granted as a matter of course; but as he had now lent the sanction of his name and experience to a custom, frequently of late introduced into that House, of producing, by premature discussion, an unfavourable impression against a measure, without notice of any intention to bring on such a discussion, he was bound to offer a few words in explanation, stating distinctly, that when the subject was brought formally forward, it would be his duty, however, unequal to the task, to meet the right rev. Prelate on this subject, and to induce their Lordships to believe, that the characteristics which the right rev. Prelate had given to the system of education proposed under the Order in Council, were the reverse of what was intended and would be produced. The right rev. Prelate had stated, that the proposed plan included all the vices of the Irish system. He would not adopt the gentle phraseology of the right rev. Prelate, and describe the Irish system which had been adopted by Parliament as a vicious system; on the contrary, he considered that it was the only system on which education could be extended through the Roman Catholic population of Ireland; that it was a useful system, and one well devised to meet the exigencies of that peculiar case; but he must in the most distinct terms contradict the statement of the right rev. Prelate, that the system now proposed, was founded in any degree on the particular features of the Irish system. On the contrary, it was founded on this principle, that from any scheme of education which could be introduced into this country, religious instruction, as connected with the tenets of the Church of England, could not be excluded. The right rev. Prelate well knew, that the main feature of the Irish system was, that it could not be included. That was the slight difference which had escaped the right rev. Prelate's attention. The right rev. Prelate had not adverted to the circumstance, that the whole of the regulations proposed by the Order in Council, were to be applied to a particular school, the only one to be founded by the public; and that, it was not, therefore, a scheme for general education, but for furnishing the best means of training schoolmasters; and if it were desirable, as was not denied, that better means should be afforded for perfecting the system of education, and qualifying men to conduct it in the schools of this country, it followed that training masters of all persuasions ought to be appointed. At the commencement of the right rev. Prelate's speech , he had supposed him to contend, that no assistance, direct, or indirect, ought to be given by the Government to schools not connected with the Established Church, but he apprehended, that he must have misunderstood the right rev. Prelate, because the right rev. Prelate did afterwards admit, that it might be desirable out of the public funds to afford assistance to schools in connection with the Dissenters. If he made that admission, he must also admit, that if training schools were to be established at all, they must be established so as to admit masters for dissenting schools. Now, all the regulations to which the right rev. Prelate's observations could apply, which had been issued in the Order in Council, were to enable schools not in connection with the Established Church, to send their masters to this training school, without their being compelled to receive that instruction which was provided for the members of the Established Church. Now, unless the right rev. Prelate was prepared to contend, that the training school for masters, which was to be maintained out of the public funds contributed by all the people of this country—was with that money to be so carefully constructed as to exclude from all benefit all the masters sent by dissenting schools—all the masters sent by Roman Catholic schools—all the masters whose friends were not willing to submit them to instruction in the catechism of the Established Church— unless he was prepared to lay down that doctrine, and on that doctrine he was prepared to meet the right rev. Prelate, he did say, that the scheme proposed was not liable to the observations which had been made with regard to it. He had been led to make this statement by the course taken by the right rev. Prelate on moving for the Order in Council. When the Order was laid on the Table, he should be most anxious, that there should be the fullest discussion upon it, and then it would be his duty to remind their Lordships of what the right rev. Prelate had omitted to mention, that the whole principle of the proposal was connected with the establishment of one training school for the whole of England, and there could be no training school for all England which did not admit masters of different religious sects; though at the same time there could be no doubt, that it was the duty of the Privy Council and the Legislature to see, that every Member of the Church of England in that school was instructed in the doctrines of that Church.

The Bishop of *London* said, that the noble Marquess had misunderstood two of his observations. He had not said, that Dissenting schools ought to receive no assistance from the Government; all that he stated was, that he regretted that the present practice of making grants to the two great societies for education, according to the rate of their own funds, was to be discontinued; and he expressly forbore from entering into the question, whether Dissenters ought or ought not to receive any assistance from the Government. Now, although it was perfectly true that the principal feature of the proposed scheme was the establishment of a training school, still a very material part of the plan was to establish a model school which was to contain as many as 450 scholars; and to that his observations had been particularly directed. The word "vice," as applied to the Irish system, he had used in its classical sense of "defect;" and what he complained of was, that a system of education of the kind which he had described, should be introduced into a school which, by its very name, was held up as a model to all the schools in the kingdom. He would only remark, in conclusion, that not long ago the noble Lord, the Secretary of State for the Home Department, had declared that any such scheme as this was wholly impracticable.

Lord *Brougham* said, that he had heard with the greatest pain, the discussion which had been brought on that night by the right rev. Prelate. He frankly confessed, that the reason why he had so long delayed pressing his bill on the subject on the attention of Parliament, was, that he had been anxious to avoid the mixture of religious differences with the consideration of this subject; and he found that the practice of affording grants of money to the education societies had worked so well, the balance having been held even between the sects on the one hand and the Church on the other, that no intermixture of religious differences had occurred. But that which made him listen with so much pain to the discussion that had taken place that night, was, that it rendered certain the defeat of his measure, and not only of his measure, but the defeat of any possible measure that man's wisdom could contrive for the general education of the people. For their Lordships might be well assured, since they were forced to grapple with the question at once—they might be well assured that, if the Church of England attempted to maintain the claim that had been put forward to-night by the right rev. Prelate to the superintendence, as a national church, of the public education of the youth of this country, the people of this country would not submit to pay for such a system, and he would be the first to counsel them to resist it. He acknowledged the rights of the Church—he acknowledged that it was the ecclesiastical institution of the country—he granted its endowment bv law, he allowed it the preference which the law gave it; but the law had not said —and he demanded to know if any one authority had said it—where, in what authority of the common law, in what letter of the statute law, there was to be found this shadow of a ground for the position that the people of England should not be taught secular learning without the superintendence and control of the Church? That was not the law of England. He would appeal to his noble and learned Friends [Lord Lyndhurst was sitting with the Lord Chancellor] on the Woolsack, and ask them if they knew of any such law? He would appeal, also, to the right rev. Bench, to say whether the education of the country belonged exclusively to the Church, and that the Church should teach or control education, or that the people should not be instructed? If he had any fault to find with this plan, it was that the Government had not gone far enough. He should say, let instruction be given, leaving to the families of each child the task of imparting religious instruction. Were the means of the Dissenters to be poured into the hands of the churchman for the education of his children, excluding the Dissenters? Such a proposition would be urged in vain to the representatives of the people, who had to vote the money of Churchman as well as Dissenter; and if the Church so set up, for the first time, this outrageous claim that the education of the Churchman should alone be paid out of the public funds, then he would say, " If you tax you must also teach; and if you wish to teach, to the exclusion of the Dissenter, you may tax yourselves, and leave the Dissenters untaxed; for so long will they insist on their right to receive a share of that for which payment was made." He hoped and trusted that a more liberal feeling would preside over the deliberations of Parliament in the further stages of this important subject; for of this he was certain, that on no other terms, and under no other conditions, would it be possible—and he would go further, highly as he valued education, would education itself be desirable—would it be possible to establish a system in any less catholic, less liberal, less just, and more contracted principle.

The Bishop of *London* said, in explanation, that he had never made any such proposition as that which the noble and learned Lord had now demolished with such vigorous blows. He had only said that he did not think this was a system which would be satisfactory either to Churchmen or Dissenters.

Lord *Abinger* thought a system of national education must invariably fail; for where there was such a difference of opinion amongst the Dissenters as well as between Churchmen and Dissenters, the object of the noble and learned Lord and the Government must necessarily be frustrated.

The Archbishop of *Canterbury* came down to the House, without being in the least aware that this question would be brought forward, much less that any discussion would be entered into upon the subject. He now merely rose to bear his testimony to the misrepresentation which had been made of his right rev. Friend's speech. He thought that it was impossible to teach two systems of religion in one school. Religion must either be altogether excluded, or it must be taught according to some particular system. Besides, it was improper to teach people that there was any system so good as their own.

Address agreed to.

HOUSE OF COMMONS,

Friday, May 3, 1839.

MINUTES.] Petitions presented. By Lord G. LENNOX, General EVANS, Sir S. LUSHINGTON, Sir J. Y. BULLER, and Messrs. DIVETT, A. WHITE, LOCKHART, KELLY, and BARNARD, from several places, for a Uniform Penny Postage.—By Mr. KELLY, Mr. KEMBLE, Lords SANDON, and

DUNGANNON, and Sir J. Y. BULLER, from several places, against any further Grant to Maynooth College.—By Lord MAIDSTONE, from Kent, for a system of National Education on Religious Principles.—By Mr. GODSON, from Kidderminster, against the Inequality of Rating under the New Poor-law Act.—By Lord SANDON, from Liverpool, for Church Extension in Canada; and from Lichfield, against any system of Education not founded on the Scriptures.—By Mr. KEMBLE, from Richmond, for Church Extension in the Colonies; and from Warrington, against the Beer-laws.—By Lord DUNGANNON, from Stockton-upon-Tees, against the Ecclesiastical Duties and Revenues Bill.—By Sir STEPHEN LUSHINGTON, from several Individuals, in favour of the Jamaica Government Bill.—By Sir R. FERGUSON, from the Anti-Slavery Society of Nottingham, to the same effect.—By Mr. T. DUNCOMBE, from West India Merchants and others, against the Jamaica Government Bill.

CANADA — MESSAGE FROM THE CROWN.] Lord *John Russell* appeared at the Bar, and upon being called upon by the Speaker, brought up a Message from her Majesty, the same as that sent to the Lords:—*

The Message was ordered to be taken into consideration on Monday.

The Order of the Day having been read for going into Committee on the

JAMAICA GOVERNMENT BILL.] Lord *J. Russell* moved, that the Speaker do now leave the Chair.

Sir *R. Peel* had hoped that the House might have been spared the necessity of the present discussion, and that they might have come to some arrangement with respect to the government of Jamaica without any party conflict, or even any serious division of opinion as to the course which it might be advisable to pursue. He had the strongest impression that it was desirable to exhaust every alternative before proceeding to the forfeiture of the constitution of that important colony, or to the suspension of the system of representative government, and establishing a despotic and arbitrary power in place of that liberal system which had prevailed for upwards of 150 years. He thought, also, that in the event of the necessity for interference being demonstrated by proofs too unequivocal to be called in question, it was of the utmost importance that the measure to be adopted, in consequence of the continued refusal of the local authorities to exercise their power, should be sanctioned by as strong and as unanimous a concurrence of public sentiment in this country as it was possible to obtain. It was from these joint impressions of the expediency of postponing the application of absolute suspension till every other alternative had been exhausted, and if it should at length be inevitable, of the expediency of supporting the measure by the almost unanimous voice of Parliament, that he had ventured to make a proposition to her Majesty's Government on this subject. It might be that from his imperfect acquaintance with the West Indian colonies, from the absence of the slightest interest with regard to them, and from his want of local knowledge, he overrated the magnitude of this question. He was sure he took a view of its magnitude different from that which was taken by her Majesty's Government, and he had been led to form different conclusions. He had not heard any Message delivered to the House respecting Jamaica. He had heard that night a Message from the Throne suggesting the union of the Canadas, but he had heard no Message lamenting the necessity, but recommending the measure of suspending the constitution of Jamaica. Nay, he had heard it proposed that the House should depart from the ordinary forms of conducting business in respect to this measure, and that, the notice having dropped on a preceding day from a failure of making a House, leave should be given as a matter of course to bring in the bill. These circumstances led him to suppose that he formed a different estimate of the importance and magnitude of this question from that which was formed by Government. There were other reasons, he confessed, than the abstract consideration of the merits of the question that led him to a conclusion adverse to abrogating the constitution of this colony. The precedent of Canada last year, when the House felt themselves under the painful necessity of suspending in that country a popular form of government, was not, in his opinion, an example to be followed, so that the House should, in the very next Session, present themselves to the world as compelled to suspend another popular form of government in Jamaica. If, having in one year suspended a popular form of government in the North American provinces, they were, in the very next year, to adopt a similar measure towards the most important of the West Indian colonies, it might seem to be a practice of the Parliament to suspend a constitution every Session. He would have the House, to bear in mind, that the parties with whom they had to deal had had no notice of this proceeding — that the colonists were up to this hour entirely unaware of the heavy penalty about to be inflicted upon them. He had thought, in considering the possibility that extreme measures might ultimately be forced upon us, that if we had recourse to them after full notice and warning to the colonists, after enabling them to become acquainted with the accusation preferred against them, the infliction would then be more conformable to our sense of justice. Having most carefully examined the papers bearing on this subject which had been laid before the House, and having re-examined them since the first occasion, he declared with perfect sincerity, that he did not think the House was justified in passing this measure, or that there was any vindication in equity and justice for the course they were about to pursue. He agreed with Mr. Canning, that it would be indeed unwise in the House to abdicate its right of control over the colonies. He agreed with Mr. Canning in the sentiments expressed by him in the following passage, in the year 1824:—" I shall be asked, what are the intentions of the Government as to those colonies; by what means is it intended to bring them to reason, and induce them to adopt the views, and second the determinations of Parliament? There are three possible modes in which Parliament might deal with the people of Jamaica. First, it might crush them; by the application of direct force, we might crush them with a finger. Secondly, we might harass them by fiscal regulations and enactments, restraining their navigation. Thirdly, we might pursue the slow and steady course of temperate but authoritative admonition. Now, if I am asked which course I would advise, I am for first trying that which I have last mentioned. I trust we shall never be driven to the second; and with respect to the first, I will only now say, that no feeling of wounded pride, no motive of questionable expediency, nothing short of real and demonstrable necessity shall induce me to moot the awful question of the transcendental power of Parliament over every dependency of the British Crown. That transcendental power is an arcanum of empire, which ought to be kept back within the penetralia of the constitution. It exists, but it should be veiled. It should not be produced on trifling occasions, or in cases of petty refractoriness, or temporary misconduct. It should be brought forward only in the utmost extremity of the state, where other remedies have failed, to stay the raging of some moral or political pestilence." He could not say that he thought the utmost extremity of this state had arrived; he could not say, looking at the papers laid before the House, that there was any vindication for bringing from the penetralia of the temple, the transcendental power to which Mr. Canning alluded. He begged the House to consider the nature of the measure they were now asked to pass, and the society to which it was to be applied. He wished he could impress them with his own conviction of the deep importance of this question, of the dangerous consequences that would probably follow the double precedent they were now about to set, and the general uneasiness that would be caused in other colonies. He wished he could only impress the House with half the force of his own conviction, and then he should at least insure himself a patient and attentive hearing. The enacting clauses of this bill were contained in two pages; it was a brief and compendious measure, and wisely so; for, first, the necessity of the case might absolutely require, if they were determined to pass this law, that they should take such extraordinary powers; and, secondly, the bill was neither more nor less than a bill for the establishment of a complete despotism. It would establish the most unqualified, unchecked, unmitigated power that ever was applied to the government of any community. He presumed they were not yet arrived at the period when there would be no permission granted to discuss possible abuses of power. It was not sufficient to tell him, that the powers intrusted would not be abused. They ought, in determining a constitution for another people, to consider not what were the lucky accidents by which tyranny might be averted, but what were the guarantees which the people could have for protection against injustice and oppression. He wished not to be chargeable with the slightest exaggeration in describing the nature of the provisions of this bill, but he asked, was there any Crown colony, not having a charter, and governed by absolute power, that was subject to such regulations as would be established by this measure? Had they ever treated with so much severity a conquered colony, amidst the first heat of animosity after the contest? Some precautions had generally been taken to maintain the existing laws, and the rights and privileges of the inhabitants, but in this case every such precaution was neglected. Ministers took for the Crown the course of appointing councillors, without the slightest reference to the wishes of the governed; they gave to the governor and council unlimited power, without the least check on its exercise from any local authority, enacting, that whatever law they chose to pass, should endure for eighteen months without control. They had passed an act last Session, suspending the constitution of Canada. In that case, distinct notice had been given; the supplies had been refused for several years, contrary to what was looked upon as an implied contract; resolutions had been passed, warning the colony of what they might expect; and at length a bill was passed. But had they applied to that colony, then labouring under the ills arising from rebellion, such a measure as they now proposed for Jamaica? Not at all. There was not a word in the preamble of this bill, as to the intention of Government in passing it; but in the preamble of the Canada Bill, it was distinctly stated, that the measure was intended to enable Parliament to frame another constitution, based on popular principles. The plea on which they rested their justification, for suspending a popular form of government was, that the measure was only to be temporary, and that its powers were necessary to enable them to restore, in an improved shape, the ancient constitution of the colony. The preamble of that bill contained this recital:—"And whereas it is expedient to make temporary provision for the government of Lower Canada, in order that Parliament may be enabled, after mature deliberation, to make permanent arrangements for constructing anew the government of the said province, upon such a basis as may best secure the rights and liberties, and promote the interests of all classes of her Majesty's subjects in the said province." There was not a word of such intentions in the preamble of the present measure, and could they affect to be ignorant, that part of the support given to this bill, was founded on the hope, that the bill would be of permanent duration? He knew they professed that the bill was to be only temporary; that five years had been originally fixed as the period of its duration, and that a proposal might be made to curtail the term; but were they not aware, that there were some men who gave their support to the bill, in the hope that this temporary eclipse of public liberty would not be permitted to expire, that the dismal twilight would continue after the two years, or the five years had elapsed, in the belief, that when the light of representative government should once be extinguished, there was no "Promethean heat that could that light relume." He did not think that speculation extravagant; he did not think they would find it so easy to re-establish a popular form of government, or that they now foresaw all the consequences that might result from this measure. Could they believe it possible that the colony would tamely acquiesce in this treatment, would submit with perfect cheerfulness and satisfaction? Was it in human nature to do so? Could they hope it after the demonstration of public feeling on the part of those connected with Jamaica? Did they think it likely, that three salaried commissioners sent from home could govern to the satisfaction of the colonists? They gave by this bill unlimited power of taxation, while professing to hold that people should not be taxed without their own consent. They abolished the representative body which had hitherto possessed the power of imposing taxation, and transferred that power of taxation to a governor and council, appointed without the slightest reference to the feelings and wishes of the colonists. He saw some thing like an incredulous smile upon the countenances of Ministers, but could they deny, that there was no limit to the power of taxation granted to the colony, or to their power of making laws? Suppose this council met with opposition, could not they at once suspend the Habeas Corpus Act? The press of the colony seemed tolerably violent, as far as he could judge. Suppose that it should persevere in using inflammatory and exciting language, and that the council should think its freedom incompatible with the safety of the new Government, why might they not at once abolish it? They might tell him, that the council would not do this, but was he not at liberty to argue on the possible abuses of arbitrary government? He defied them to show him any security against those abuses, any protection for the liberty of thought. There was no constitutional security, none except what might be found in the goodwill of the parties exercising this power. A guarantee against undue oppression was provided for the rebellious colonists of Canada, but no limits were set to the powers that might be called into action against the people of Jamaica. In the case of Canada it was provided, that the council should have no power to impose any tax, duty, rate, or impost, by any ordinance, save only so far as any such tax or impost payable at the passing of the act might thereby be continued. It was carefully provided, that the colonists should not be exposed to the evils of oppressive taxation, the council was debarred from increasing the public burdens. They gave no such security to Jamaica. In regard to personal liberty, to property, to the imposition of taxation, the power they took was perfectly unprecedented. Was he in error as to the nature of the provisions which it was intended to pass into a law? There was not a word in the preamble of the ultimate intentions of the Imperial Legislature—not a word, in the enacting part, of check or control. And now what was the society to which this bill was to be applied? To understand this part of the question clearly, the House must bear in mind, that Jamaica represents one-half of the possessions of the British Crown in the West Indies, they were about, therefore, to suspend the constitutional Government, to establish despotic authority over one-half of the West-Indian colonies. He was taking the whole of our colonies in that quarter of the world, those in South America as well as the islands. Let not hon. Members, let not the House, think that the precedent of this bill for suspending the constitution of Jamaica, and establishing arbitrary authority did not apply to other of our colonies in those quarters—to British Guiana for instance. Let them not think, that it did not apply except to a small portion of the colonial community. He would show them, that the bill would apply to one-half of the population of the West-Indian and South-American colonies, and also to one-half of everything that constituted the value of those colonies to Great Britain. The white population of Jamaica was equal in numbers to one-half of the whole white population of the British colonies in the West Indies and in South America. The whole public revenue of the West-Indian colonies was 540,000*l.*, the revenue of Jamaica alone amounted to 300,000*l.*, being more, as the House saw, than one-half of the whole. The whole annual expenditure of those colonies was 551,000*l.*, the annual expenditure of Jamaica reached 300,000*l.* These statements greatly underrated, he believed, the importance of Jamaica, as exhibited by the amount of its taxation and expenditure, but if the bill passed into a law as it stood, the whole of this taxation would be raised by the new council, consisting in part of the stipendiary servants of the Crown. The whole of the expenditure also would take place under their direction. Again, the value of the imports of the British colonies in the West Indies and in South America in 1838, amounted to 5,806,000*l.* The value of the imports into Jamaica in the same year, was upwards of 3,000,000*l.* The amount of the total exports of the West-Indian and South-American colonies in that year, was 9,932,300*l.*; the amount of exports from Jamaica in the same period was calculated at 4,000,000*l.* He had therefore shown, that Jamaica represented one half the trade, one half the revenues, and one half the population of the West-Indian and South-American colonies. So much for the importance of Jamaica as a colony. Next, he would entreat the House to recollect what was the nature of society there—what the character of the people they were about to submit to this extraordinary experiment. It was true, that the black population outnumbered the white; indeed, that the numbers of the white population were as nothing almost, when compared with those of the black, the power of the Government was unlimited, if they chose to appear there as upholding the cause of the black population. They had the power. But he need hardly appeal to the generosity of her Majesty's Government, or of the House, to enforce the consideration, that, though they had the power, they were not relieved from the duty of claims, that in point of constitutional right, ought not to be dismissed without ample consideration on the part of the British House of Commons. But there was another point in his opinion of great importance; it was impossible to hear the proposal now made on the part of her Majesty's Government, without recollecting the circumstances of former conflicts and struggles on the part of this country with her colonies. There might be a great difference on many points between the situation of the United States at the period referred to and Jamaica now, in respect of their relations as colonies with this country. The extent of the power exercised by the mother country in the two cases might be very different; the power which we exerted in the island of Jamaica now might very greatly exceed that which Great Britain exercised over the North American plantations in the year 1774. The power of the mother country might be different, but he entreated the House not on that account to permit itself to disregard some similitudes which certainly existed between the things. He wished hon. Members, and especially he wished, that the Members of her Majesty's Government would read again Mr. Burke's speech on his resolutions for conciliation with the colonies, and especially what Mr. Burke then said in recommendation of conciliatory measures; he wished too that they would consider how far that similarity between the two cases which he (Sir R. Peel) had suggested, and which they would do well to bear in mind, had a real existence. Mr. Burke said, that there was exhibited on the part of the colonies a disobedient and intractable spirit; at least, he admitted the fact; and no doubt one of the difficulties with which the Imperial Government had to contend, in reference to her colonial policy, was to maintain popular government consistently with the peculiar situation of those countries as colonies; they had to contend with the difficulties in administering government which the use of popular assemblies must needs carry along with it; but her Majesty's Ministers must have been aware that they had difficulties which were inseparable from administering government in conjunction with popular assemblies to contend with, and that they ought to foresee and provide for those difficulties; and it became, therefore, the more important and indispensable that they should exhaust every possible device of careful and honourable policy before they resorted to the adoption of an extreme measure like this. Mr. Burke enumerated "six capital sources," as he called them, of dispute. His words were:—

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* *Ante*, p. 756.

> "From these six capital sources—of descent, of form of government, of religion in the northern provinces, of manners in the southern, of education, of the remoteness of situation from the first mover of government—from all these causes a fierce spirit of liberty has grown up. It has grown with the growth of the people in your colonies, and increased with the increase of their wealth—a spirit that, unhappily meeting with an exercise of power in England which, however lawful, is not reconcileable to any ideas of liberty, much less with theirs, has kindled this flame that is ready to consume us."

These were the six capital causes, and he entreated the House to consider how far these six capital causes or sources were in operation in the colonies at the present day. Let the House and her Majesty's Government consider whether none of these were in action at present. Did the cause of descent operate nothing at all? If the descent of the original colonists of the North American Provinces from certain classes of Englishmen operated in 1774 to make them the more impatient under the restraints of arbitrary government, how was the colony of Jamaica differently placed, which owed its colonization by British subjects to the conquest that was made of it by the arms of Cromwell, and whose first English population was composed of those who, disgusted with the excesses of the civil wars, there found a refuge? A similar cause, therefore, of disobedience operated there in respect of descent as was in operation in the North American colonies, when Mr. Burke spoke. But, perhaps, it might be thought that the circumstance of this being a population of slave-holders made a complete distinction, and rendered them more easily governed. According to Mr. Burke, it did not. For while he represented that, religion formed one of the causes of the refractory spirit of the northern provinces; in the south, where the same principles were not in existence, there was still a cause at work—namely, manners, which, in this respect, he considered as supplying the place of religion, as far as regarded the spirit of reluctance to submit to arbitrary rule, and he spoke of the colonies of Virginia and the Carolinas, then, as Jamaica now, slave-holding colonies, but without intimating, in the least, that he thought, that because the people of those colonies were slaveholders, that they were on that account the more easily governed. He said,

> "There is, however, a circumstance attending these colonies which, in my opinion, fully counterbalances this difference'—namely, re-

ligion—' and makes the spirit of liberty still more high and haughty than in those of the northward. It is, that in Virginia and the Carolinas they have a vast multitude of slaves. Where this is the case in any part of the world, those who are free are by far the most proud and jealous of their freedom.' 'Freedom is to them not only an enjoyment, but a kind of rank and privilege. I do not mean, Sir, to commend the superior morality of this sentiment, which has, at least, as much pride as virtue in it; but I cannot alter the nature of man. The fact is so; and these people of the southern colonies are much more strongly, and with a higher and more stubborn spirit, attached to liberty than those to the northward. Such were all the ancient commonwealths; such were our Gothic ancestors; such in our days were the Poles; and such will be all masters of slaves who are not slaves themselves. In such a people the haughtiness of domination combines with the spirit of freedom, fortifies it, and renders it invincible.

The House might despise the sentiments; but, as Mr. Burke said, it was human nature, and with that nature the House had to deal. So far, therefore, the cases of Virginia and the Carolinas were, he conceived, not so very far different from that of Jamaica. Then, with reference to the distance from the home Government, Mr. Burke said—

"The last cause of this disobedient spirit in the colonies is hardly less powerful than the rest, as it is not merely moral, but laid deep in the natural constitution of things. 3,000 miles of ocean lie between you and them. No contrivance can prevent the effect of this distance in weakening government. Seas roll, and months pass, between the order and the execution, and the want of a speedy explanation of a single point is enough to defeat a whole system."

They had all that difficulty and inconvenience in the case of Jamaica; 3,000 miles of seas roll between her and Great Britain, and interpose numberless difficulties in the way of carrying on the government of the country, by an administration at home. When Charles 2nd came to the throne, or rather shortly after, in 1661, he gave Jamaica its first regular form of government. The House of Assembly, however, was not established until a period a little later. A governor and council governed the colony. This form of government became subsequently unpopular in the island; but, in 1661, in the midst of the first burst of loyalty which spread throughout the nation and its dependencies, Charles 2nd provided that the legislative authority should be vested in the governor and council of twelve, and that the members of it should be chosen by the Crown. A few years afterwards the House of Assembly was constituted. In 1678 began a series of attacks on the privileges of that House of Assembly, by the then ministers of Charles 2nd, which were completely repelled and rendered nugatory, by the firmness and the perseverance of the Assembly. But, let the House remember, a Chatham had not then spoken about the right of imposing taxes on the colonies; the American revolution had not taken place; popular principles were not so well understood then as now; yet Charles 2nd, and his ministers, failed in their attempts on the liberty and constitution of Jamaica. He mentioned this for the purpose of warning hon. Gentlemen opposite, that though it was true the negro population greatly exceeded the white population in numbers, they might expect to encounter greater difficulties in administering the government of Jamaica from home, than the power of so limited a place might suggest. No doubt her Majesty's Government would have facilities for carrying the measure into operation, from the presence of the negro population. Doubtless the masters would be powerless if the Government declared themselves the protectors of the negroes. But let not the Government suppose that Jamaica was an isolated case; let them not suppose either that he said this in a minatory tone; but what he meant was, that the effect of proclaiming to Jamaica the principle adopted in this measure, and the spirit which that principle, in his opinion, was calculated to evoke in Jamaica, was not likely to be bounded by the limits of that island, but might be expected to extend to the other West-Indian colonies. If there was any document which more than another would clearly show this, it was the address of the Assembly of St. Christopher's, which he would quote, that the House might see the possibility of the case of Jamaica attracting sympathy on the part of other colonies, which sympathy was not at present expected to arise, when the new form of government should have come into operation in that island. The House of Assembly of St. Christopher's, not at all foreseeing this measure, but speaking solely of their own affairs, said, in an address to Lord Glenelg—

"In conclusion, we firmly assure your Lordship, that we shall use all constitutional and legal means for the defence of our best rights. We know that we are weak and poor, and form a very insignificant portion of the empire; but this very inability to stand alone against power, will procure us defenders amongst those of the British Parliament who shall consider our cause a just one, and therefore we feel strong in our weakness, and rich in our poverty. We assure your Lordship, that we will proceed cautiously and temperately, but, at the same time with firmness and perseverance, to uphold our chartered and constitutional rights. That we will not tamely surrender, or consent to be robbed, without resistance, of our own, or the rights of our constituents. Trifling as our privileges may appear to your Lordship, they are here held dear and sacred, and the loss of them would be severely felt."

This had no reference to the pending measure; but whenever a knowledge of that measure should reach the West-Indies, let not the Government flatter themselves, that the feeling of indignation would be confined to the island of Jamaica. A sympathy would be excited throughout the West-Indian possessions of the Crown, which, in his opinion, it would not be in human nature to withhold, unless it manifestly appeared, that justice was on the side of the Parliament and Government of Great Britain. The measure, in his opinion, if it passed in its present shape, would certainly excite a degree of sympathy which, it would be found, would greatly obstruct the success of the new plan of Government. Her Majesty's Government might bring forward their three new stipendiary councillors, who might be, for anything he learned from the bill, three aides-de-camp of the governor, and enable them, if they pleased, to exert a power of unlimited taxation; but if they persisted in this, did they really flatter themselves that they would have the quiet acquiescence of the people of Jamaica in the measure? Did they recollect the act of 1774, for the better regulating the government of the province of Massachusett's Bay? Did they recollect the recital of that act?

> "Whereas taxation by the Parliament of Great Britain, for the purpose of raising revenue, is found by experience to occasion great uneasiness in the minds of his Majesty's subjects in his provinces (Massachusetts), this is to declare, that the King and Parliament of Great Britain will not impose any future tax or assessment for the purpose of raising revenue?"

Did they remark, that the bill took the whole executive power out of the hands of an existing popular governor, and placed it in the hands of a governor and councillors? Did they recollect this? If they referred to the eventful history of that period, could they fail to remark, how singular it was, that a bill proposed in the present reign should so nearly resemble the "Act for the better regulating the government of the province of Massachusett's Bay?" But let them remember, that a time came when the Parliament of this country was obliged to give in its formal renunciation of the asserted right of taxation, and a solemn declaration followed, stating, that it was necessary and expedient to repeal the act for the better providing for the government of the province of Massachusett's Bay, which was the model on which the present measure for providing for the government of the island of Jamaica was founded. Surely, these considerations ought to have considerable weight with the House, which could scarcely hear them, without conceding that they ought to have some influence. The House could not consider the origin of the people of Jamaica, they could not consider the history of the conflicts and contentions which had passed between the Home Government in Charles 2nd's time and the House of Assembly of Jamaica; they could not consider the natural repugnance of Jamaica and of all colonies to be taxed by the mother country, or by any other than their own representatives, without feeling, that they ought to pause before they made any return to any of those measures to which he had alluded as having been adapted to the North American colonies. The state of the society to which this measure was to be applied suggested many important considerations; but if there was any one thing which could aggravate the danger and inconvenience to be apprehended from the passing of such an act—more than another, arising, he meant, from out of the measure itself, it would be, to pass the measure on false pretences. If there was any one thing which could tend to diminish the authority of Parliament, and lessen the veneration felt for the mother country—if there was any one thing which would go to make a precedent of colonial legislation full of danger to all time to come, that thing would be, and that danger would immediately arise, if they were to pass a bill of this kind on false grounds. He could conceive reasons of public convenience strong enough; he could conceive the occurrence of circumstances imperative enough, to make it necessary to suspend for a time the constitution in a British colony; but if he found that course necessary, his advice to her Majesty's Government, or to any Government, would be, on their bringing forward a measure for that purpose—"By all means, for the sake of reconciling it to the people, put forth none but your real reasons for proposing the measure." When his noble Friend near him proposed a measure for the abolition of slavery in 1833, he (Sir R. Peel) could conceive it possible that it might have been suggested to him, "We are about to make an experiment, the issue of which is necessarily uncertain. We are about to abolish slavery; we are afraid that the measure may call forth local uneasiness; we have no assurance that an Assembly which was calculated for a state of slavery, may not be found unfit to conduct the Government where all are to be free. We think that something ought to be done to suspend for a time the functions of the House; we call upon you to relieve the local authorities from the burthen of carrying the emancipation into effect; we will take upon ourselves the whole responsibility; we are determined by a general measure to suspend all the West-Indian Governments in favour of the liberated class; we are determined, in expectation of the inconvenience and uneasiness which may arise to the colonial Governments, to take their duties on ourselves." Such, he could imagine, might have been the tone of the suggestions made to his noble Friend at the time when the measure of negro emancipation was yet untried. But that experiment had been made. Freedom had been established, slavery was abolished, and they had not proposed any general measure for the protection of the negro; they did not feel satisfied of the incompetence and unfitness of the local Governments to administer their local affairs; that was not the ground on which they rested. Because if they rested their justification of this measure on that ground, Jamaica and Barbadoes ought to be subjected to the same measure. They might say also that there was a great experiment about to be made in Jamaica. They might say that the negro population, although they had acquired freedom, had not acquired a right to the elective franchise. They might say that although the result of the experiment of abolition had exceeded their most sanguine hopes, yet still they were desirous to provide, by the supreme authority, for the admission of the negro population to civil and political rights. If these were the reasons for this bill, they were as applicable to the other colonies, unless they knew of something peculiar in the constitution of Jamaica. But granting that there was something peculiar—that there was something that made it wise to undertake the solution of this question—why, if this were the true reason that suggested this act, why not put it in the preamble, and tell the grounds on which they rested? He was not aware whether that danger existed which some gentlemen seemed to apprehend. It had been suggested—for the purpose, doubtless, of conciliating support for this act—that it was desirable for the protection of the negroes. If that were true, let it be told. Why not say that they thought there was so much of irritation, that the House of Assembly was unfit to legislate in this particular, and let them know what limitation was to be put upon the precedent they were about to set, and what justification there was for this act? There might be danger existing—he could not say, from any communications he had had with those who were intimate with the West Indies, that they appeared to apprehend danger to the extent that some seemed to think. The elective franchise in Jamaica was exercised by those who held a freehold of the value of 10*l.* a year currency, or 7*l.* sterling, or a leasehold of the yearly value of 50*l.* Freedom was now established in the island; there was no distinction known in the eye of the law between black and white; the black man had a perfect right to be elected to the House of Assembly, and there were in the Assembly eight coloured persons, and he rejoiced at it. He thought this was perfectly right, that the negro population should exercise their legitimate rights, but that they could do according to the existing law. The existing law provided that there should be no distinction between black and white; therefore upon the possession of the necessary freehold, the negro was entitled to the franchise. Did they apprehend that the franchise was too limited or too extensive? As to its being too extensive, no man could exercise the franchise till after he had obtained a freehold, and he could not think that the negro, by his industry, would be admitted in such numbers as greatly to endanger the white population. Then with reference to the House of Assembly: what was the amount of the qualification of a member of that House? The amount was 300*l.* a year, or freehold property of the value of 3,000*l.* It did not appear to him that the negro population would exercise immediate control over the constituent or representative body, but they were entitled to freedom and the franchise under the existing law. The late Secretary of the Colonies suggested that some restrictions should be put upon the franchise—for instance, that the negro should be entitled to exercise the franchise only in case he was able to read and write. He would not discuss this. It might be very proper that some restrictions should be imposed; but surely these restrictions, fortified by the authority of Parliament, the House of Assembly would impose and would not be disinclined to impose. Why then was it necessary to exert the supreme authority of the state to impose any qualification with regard to the franchise? If that was the reason for which this bill was to be passed, let it be distinctly avowed. But the reason that was avowed was of another kind. He had a right to judge of the bill by the reasons he found alleged in the preamble, and it would be perfectly consistent in him to reject the bill on the ground on which it was proposed to pass it; and yet if he were told that for public considerations intervention was necessary, it would be perfectly right for him, before he assented to the bill, to demand what pretext or justification there was for it; and if he thought that justification was not well founded, it would be perfectly right in him to refuse to assent to the bill. He had a perfect right to refuse to take into consideration those collateral reasons that might be suggested as the real vindication of this measure. He took it for granted that the House would agree with him, that nothing could be so injurious to their character, nothing so fatal to their authority, as assigning false pretexts for passing a bill. He thought the House would agree with him also in thinking that in a measure of this extreme importance the real cause of passing the bill ought to be stated. He came then to the consideration of whether or not the preamble contained a vindication of this measure. It said

"Whereas the House of General Assembly of the island of Jamaica having been summoned to meet on the 17th of December, 1838, to make, constitute, and ordain laws, statutes, and ordinances, for the public welfare and good government of the said island, and having met in pursuance of such summons, did then resolve that unless certain conditions should be complied with, to which it is not expedient that Parliament should accede, they would abstain from the exercise of any legislative function, excepting such as might be necessary to preserve inviolate the faith of the island with the public creditors. And whereas it has thus become necessary that temporary provision should be made for making, constituting, and ordaining, laws, statutes, and ordinances for the public welfare and good government of the said island; be it therefore enacted," &c.

That was the whole of the preamble. That was the vindication of this measure. There was not a word of the general unfitness of the local Assembly to legislate. There was not a word as to the peculiar circumstances of Jamaica with respect to the elective franchise to call for the temporary application of the supreme authority. There was merely an allegation that the House of Assembly had refused to perform their legislative functions. Ministers professed to regret the necessity which gave them the opportunity of proposing this measure; and so far from thinking the local Assembly disqualified—so far from its being a subject of exultation that they had found a good reason for getting rid of them, they appeared to consider it a source of mortification and regret that they should be obliged to resort to this measure. He came next to the consideration of this important question. Was there a sufficient vindication for the suspension of the legislative functions of the House of Assembly stated in the preamble of the bill? Her Majesty's Ministers said that it was not merely on account of the refusal of the House of Assembly to consent to the Prison Act, and the act for the emancipation of the negroes, but on account of a long-continued series of misconduct, and their refusal to co-operate cordially with the Home Government, that this measure was necessary. That was one of the reasons that were assigned. Now, would the House hear him for one moment? The House of Assembly was absent. The House of Assembly was not aware of the indictment that was preferred against them. He would summon some witnesses to appear on the part of the House of Assembly, in order to prove that the alleged continuous misconduct on the part of the House of Assembly, was utterly inconsistent with their past conduct. He had public declarations that were made with respect to the conduct of the House of Assembly. He would summon no witnesses whose testimony was liable to suspicion. The witnesses he would summon should be the Ministers themselves and the governors of the island. The period over which the allegation of refractory conduct extended, dated from the passing of the Slavery Emancipation Bill in the year 1837—from the latter end of that year. He proposed to divide this period into two, because in the latter part of the period—namely, the period that had elapsed from 1837 to 1839—there had been two new causes of dissension, namely, the precipitate termination of the apprenticeship, and the passing of the Prisons' Bill. Let the House see how the House of Assembly had acted to the latter end of the year 1837. He wished he could append to this bill for the destruction of the constitution of Jamaica the declarations that had been made up to the year 1837 with respect to the conduct of the House of Assembly. The Emancipation Act was passed in the year 1833. Parliament met in the year 1834, and the Speech from the Throne contained this passage:—

> "Of the measures which have, in consequence, received the sanction of the legislature, one of the most difficult and important was the bill for the abolition of slavery. The manner in which that beneficent measure has been received throughout the British colonies, and the progress already made in carrying it into execution by the legislature of the Island of Jamaica, afford just grounds for anticipating the happiest results."

He would begin with 1834, at that period when a great change in the state of society commenced in Jamaica; and yet in 1834 the House of Assembly of Jamaica was selected by the Crown for special approbation in the King's speech, on account of the progress already made in carrying into execution the Slavery Abolition Act. In 1836, the Marquess of Sligo relinquished the government of Jamaica, and he found that on relinquishing the government his last dispatch to the Secretary of State dated August 23rd 1836 contained the following passage:—

> "In making to your Lordship my usual report on the state of the island, the last that in all probability it will be my duty to make in the character of the governor of this colony, it is my pride and satisfaction to say, that I leave the administration of affairs in the hands of my successor in as satisfactory a state as can be well imagined."

A new Governor succeeded in 1836; and he would read an extract from his dispatch, dated the 8th Nov., 1836; but first he would read a passage from the new Governor's speech to the House of Assembly. The address of the Governor (the present Governor) on that occasion was as follows:—

> "I have not forgotten, that Jamaica set the first example in speedily and laudably giving effect to the wishes of the Imperial Parliament, in the furtherance of emancipation, and I feel under great obligations to them for their conduct on this occasion."

Had they been cajoling the House of Assembly? Were not these honest compliments! They were upon record—those compliments were upon record. He would, however, read the dispatch of the Governor to the Secretary of State; and before doing so, he would observe, that there was no necessity for cajolery between the Governor and the Secretary of State. To the Secretary of State he would at least write his honest opinions. It might be said, "Oh, we used very civil terms to the House of Assembly; for although we utterly disapproved of their conduct, we endeavoured to coax them into compliance with our wishes; we were therefore particularly civil to them; unfortunately these civilities are upon record; they appear contrary to our Acts, but we can pick out other messages in which we blamed this very body; we were not sincere in those expressions of approbation; we did this from good motives, but we never gave them the slightest credit for their acts; unfortunately these things are upon record in the papers presented to the House; the declarations of our approbation compared with our acts." But what said the Governor of Jamaica, in his dispatch to the Secretary of State—and here let him remind the House, that this was not addressed to the House of Assembly—it was addressed, as he before said, to the Secretary of State, and purported to give an account of the dissolution of the Assembly. On the 4th Nov., 1836, the Governor in proroguing the House of Assembly, said:—

"He acknowledged with great pleasure the ready attention which they had given to all his suggestions, and that he was happy to bear testimony to the zeal with which they had applied themselves to the public business, and he could not omit expressing his gratification at the friendly understanding, that appeared to animate them upon all occasions during the Session."

The preamble of this bill ought to have run thus—"Whereas compliments have been passed by the Governor to the House of Assembly, and whereas those compliments were never intended, and whereas therefore they ought not to be pleaded as obstacles in the passing of this bill;"—let them have this inserted, in order that posterity, looking at their compliments and their acts, may say, that never were enactments so inconsistent with, and so contradictory to their declarations and assurances; and let posterity see what were the grounds of continued misconduct upon which the people of Jamaica had forfeited their constitution. On the 13th of March, 1837, the Governor, not addressing the House of Assembly, not cajoling them by compliments, but writing to the Secretary of State, said:—

> "I enclose for your Lordships' information a printed copy of the law relative to classification, by legal enactment, of the apprenticed population. The chairman of this committee appointed to bring in this bill, communicated with me freely with respect to its details, and at my suggestion one or two clauses were struck out, which appeared to me to militate against the provisions of the Imperial Abolition Act."

And what said the Secretary of State on the 1st of May, 1837?—

> "It has been very gratifying to me to learn by this despatch the successful result of my recommendation, and your efforts to introduce a classification which will effectually obviate the confusion and discontent, which might otherwise have prevailed at the expiration of fifteen months from the present time. In this result I gladly acknowledge one of the beneficial consequences which have followed from the friendly understanding which has prevailed between yourself and the House of Assembly."

If her Majesty's Ministers really felt, that all this time the Assembly was utterly unworthy of confidence, why talk of the friendly understanding that prevailed, and the good consequences that resulted from it—if they felt, that that friendly understanding existed only in appearance, and that the House of Assembly was guilty of hollow pretexts, and was utterly unworthy of confidence? The Government disapproved of the Act of classification afterwards; but they did not find out the objections to it till after the lapse of four months, and accordingly on the 1st of September, the Secretary of State wrote a dispatch, recalling the expression of approbation; but still in the previous May the opinion of the Secretary of State was, that that bill was one of the beneficial consequences, that followed from the friendly understanding, that prevailed between himself and the House of Assembly. Was it possible—and let them recollect, that he was only speaking up to May, 1837, when the Secretary of State and the Governor distinctly declared the existence of a friendly understanding, which was attended with the most beneficial consequences—was it possible to assent to a declaration, that even up to that period there had existed nothing of a good understanding. How could they do it? He came, then, to the 24th of October 1837, which brought him down to the end of the first period. On that occasion the Governor, on addressing the House of Assembly said:—

> "On my first meeting the Legislature, I brought such subjects to their notice as I considered of paramount importance, and I had the satisfaction of witnessing last Session an anxious desire on your part to improve the condition of the negro population. Frequent experience in your local affairs has not diminished my confidence on that and other subjects, particularly, that you will receive from me, with your usual liberality, such suggestions as I may have to offer to you for the improvement of the future interests of the masters and apprentices."

Was this truth, or was it not? Had the Governor witnessed this anxious desire, or had he not? If he had not witnessed it, was it wise to state that he had? And, if he had witnessed it, let him ask how could they propose this bill in 1837, and with such a declaration on record, how was it possible to consent to the passing of this bill now? He dared say, that her Majesty's Ministers might produce other dispatches conflicting with those; but what would that show? Was there not upon the public records of Parliament this testimony, that, up to the year 1837, the House of Assembly had been guilty of no act that warranted the House of Commons in suspending their constitution. He would now take the other period that had elapsed between the close of 1837 and the present time. He did not appear as the advocate of the House of Assembly. He would not recede from any one expression he had used respecting their conduct. He regretted deeply the course they had taken; nothing could be more unwise. He thought it would have been infinitely better if they had performed the duties, and cordially co-operated in the furtherance of that great experiment which the people of this country had a right to see fulfilled. He said again, he did not stand there as the advocate of the House of Assembly. He blamed their language —he blamed their acts; but the question the House had to consider was, whether that language and those acts justified the House in suspending the constitution of Jamaica, and placing the liberties and properties of a whole people under the arbitrary control of a governor and his council He foresaw the time might occur when they would wish that they had attended to his suggestions. He wished that they should pause—that they should remonstrate—that they should see what could be effected by time, that great assuager of human passions as well as of human woes—that they should give the House of Assembly time to reflect upon their conduct, and to become convinced of the impropriety of the course they had adopted. If they had made but one overture of peaceful adjustment, and failed, he had promised to them his cordial support in carrying out any measure which the exigency of the case might then require. But the Government had not acted so; they had assumed the case at its utmost extremity of difficulty, and had proposed a course which would place the Assembly more in the right, and ourselves more in the wrong, than at the outset. For his own part, he thought that it would have been better that the Government had not passed the Prisons' Bill at the end of a Session, and under the circumstances that they did; but that they should have expressed their decision of the necessity for a general legislation upon this subject for all the colonies alike. They should have done this, and sought, as far as possible, to conciliate the local legislature, and explain the urgency of the case; and, failing in this appeal, much of the present difficulty would have been obviated, and the public mind prepared for, and reconciled to, the steps which circumstances might render necessary. Nay, more, he had said, that if delay would, in the present case, be dangerous, if it was absolutely necessary to do something to meet the present difficulty, he would assent to any measure which might be absolutely necessary to carry on the government of the colony. These were the proposals which he then made to her Majesty's Ministers, and deeply did he regret that, although he doubted not with the best motives, they had refused to entertain them. But as the Government had refused to accede to these terms, he now felt bound to state the grounds upon which he should refuse to assent to the course which they now proposed. As he said before, he thought it impossible, after the admissions made by the Government in their dispatches, to establish any case of misconduct on the part of the Assembly warranting such a strong measure as the present, up to the period of October, 1837. He came now to consider what had taken place since 1837. Since that year two important measures had been passed, the one abolishing or curtailing the apprenticeship system by two years, and the other the Prisons' Act, which had more immediately led to the present rupture. Now, with respect to the first measure, what had occurred? In 1833, the Parliament of this country provided that the apprenticeship system should continue till the year 1840, partly to enable them to pass certain measures which would become necessary under the altered condition of the colonies, and which they had omitted to provide for in the Act of Emancipation, and partly as a compensation to the West India proprietors in aid of the 20,000,000*l.* granted as a consideration for their pecuniary loss. In the year 1838, a great ferment took place in this country, accompanying a demand for the curtailment of this apprenticeship system. The Government determined to resist this demand, and they did so successfully. But on what did they found this their resistance, but on the simple fact that the national faith was pledged to the arrangement which had been previously entered into, and that so strongly did the Government feel the obligation of that pledge to be, that they would abdicate their functions rather than yield to public clamour in a demand so obviously in violation of public faith? The motion was, nevertheless, carried against the Government, and then they came down and made a motion, which was carried, rescinding the former resolution. But although the Government would not consent to this proposition, the curtailment of the apprenticeship system was effected by the local legislature of the island. Now, the Assembly of Jamaica did so from one of two causes, either through fear or from motives of generosity. Let the Government assume of these grounds whichever they pleased. If it were from mere generosity and philanthropic feeling on the part of the Legislature of the island—from a desire to terminate the evils of slavery, and ameliorate the condition of the black population, to the sacrifice of some private interests and rights—if this were the incentive to the act, then he thought that it was one which called for and deserved some show of generosity — some conciliatory allowance on the part of the Government whose views they had so far endeavoured to meet. But suppose the other alternative to be true, and that they had yielded to the pressure of public opinion, and the severe apprehension of not being able peaceably to maintain their rights and property under other terms. What had the state done in return? It had made no equivalent for the sacrifice; it had declared it would make none. He was ready to grant that it was through the influence of fear that the Assembly had abolished the apprenticeship system; but, if so, might not some allowance be fairly made for the irritation naturally occasioned by such a forced abandonment of individual interest, which the Government had already said the national faith was pledged to? If, on the other hand, it was from mere motives of generosity that this measure was passed, had not the Assembly a fair right to appeal for some share of generosity from the Government in return. You might not admire the chivalrous feelings under which the measure was adopted; but, at least, you should make some allowance if, on coming to the adoption of it, the Assembly indulged in some irritable language which might not strictly be justifiable. He now came to the Prisons' Bill. Coincidences were sometimes unpleasant, but in the present case he could not avoid referring to some which suggested themselves in a very marked manner. On the 16th of July the Government received an account of the fact, that the colonial legislature of Jamaica, by its own act, had terminated the apprenticeship system at a much earlier period than it was originally limited to. He would beg now to read to the House the terms in which Sir Lionel Smith communicated this important event to the Government of this country, in a dispatch addressed to Lord Glenelg, dated 16th June, 1838. Sir Lionel Smith says:—

> "I have the sincere satisfaction to acquaint your Lordship that I this day assented to an Act which has passed the Council and Assembly, for the total abolition of the prædial apprenticeship on and from the first day of August next." "I anticipate the happiest results from this event towards all classes of her Majesty's subjects." "I beg to enclose your Lordship the Act passed on this occasion, which I hope may be found sufficient to secure the rights of the labouring population in their free condition, and to protect the aged, diseased, and infirm. I have, further, the honour to transmit a copy of my speech, by which I prorogued the Session to the 17th of next month."

On the 15th of June the Governor prorogued both Houses of the Legislature, which had so conducted themselves as to call forth this address from him:—

> "Gentlemen of the Council,—Mr. Speaker and Gentlemen of the House of Assembly,—I congratulate you and the whole country on the Act for the abolition of the apprenticeship from the first of August next, and most fervently do I hope that it may insure to the colony those advantages which equal liberty under wise laws has ever been found to produce." "I am happy that I can now grant you a recess, as I am most anxious that you should, by returning to your homes, be enabled to make such arrangements as may give encouragement to the industry of the free labourer, and by your example, prepare all ranks to meet the approaching change in a spirit of kindness and mutual good will."

The Governor then added—

> "It will, I am convinced, prove a source of lasting satisfaction to you, that this final declaration of unrestricted freedom has been the act of the Legislature of Jamaica; and I cordially thank you for the great boon it confers upon those whose former condition has long been the cause of painful discontent both here and in the mother country."

Here the Governor, in permitting the Members to return to their homes, says, he does so that they may "be enabled to make such arrangements as may give encouragement to the industry of the free labourer," and he assures them that "it would prove a source of lasting satisfaction to them, that this final declaration of unrestricted freedom had been the act of the Legislature of Jamaica. This despatch was, as he had said, received on the 16th of July, 1838, and on the very next day the Government presented to the House of Lords the bill which was subsequently passed for regulating the prisons in our West-India colonies. This was on the very day after the receipt of the intelligence that the Legislature of Jamaica had passed the Act for abridging the apprenticeship. The answer of the House of Assembly to the opening address of the Governor, seemed as if they had anticipated some interference with them by Parliament, for they say:—"On receiving the despatches alluded to by your Excellency, we shall proceed, in the critical posture in which the island is placed, to give to the momentous matters submitted to us our most serious consideration. Jamaica does, indeed, require repose, and we anxiously hope that, should we determine to remove an unnatural servitude, we shall be left in the exercise of our constitutional privileges to legislate for the benefit of all classes, without any further Parliamentary interference." He repeated, that on the day after the receipt of the Governor's despatch, conveying the intelligence that the Legislature of Jamaica had passed the Act curtailing the apprenticeship by two years, and putting an end to it altogether by the 1st of August, 1838, Ministers presented the Prisons' Regulation Bill to the House of Lords. He did not know whether Captain Pringle's report was then printed, though he believed not, but on that he laid no stress. Now, he was ready to concede that the Prisons' Bill was a wise measure, and necessary for a general system of prison regulation in our West-India colonies, and that it was right to pass it, and to adhere to it; but at the same time, he could not help calling attention to the unfortunate coincidence, that this measure was proposed by the Government at home upon the very day they had received the intelligence of the House of Assembly having parted with a part of its compensation for the loss of their slaves, at the same time expressing a hope that the Legislature of the colony would in future be "left in the exercise of their constitutional privileges, to legislate for the benefit of all classes, without any further Parliamentary interference." When this fact was considered, did it not, he would ask, form a good ground for overlooking the irritation of the House of Assembly on learning the proceedings in the Imperial Parliament? He again declared, that he did not stand there as the advocate or defender of the conduct of the House of Assembly on that occasion. He would admit it to be foolish and unjustifiable, but let him ask, was the course pursued by the Government such as at all tended to conciliate the Legislature or the people of Jamaica to the Act sent out to them? Even the manner in which the Act was made public was enough to add to the irritation which its enactments created. The Governor proclaimed the Act, and that proclamation was the first intimation which the House of Assembly got of this law, which they were thus called on to obey. The Governor subsequently summoned the Assembly, and in his opening speech said not one word about this Act, but merely said, that he had some important despatches to lay before them. The measure, he would admit, might be a good and necessary one, but he would put it to the House, whether the more wise and prudent course would not have been to communicate it in a manner which would have tended to conciliate the Assembly to it? It might be said that there was no precedent for such a course, but neither was there for the Prisons' Bill itself; and as there was none, it would have been wise and prudent to communicate it in a conciliatory manner. What was the course adopted with respect to the bill in Barbadoes? The Governor there sent a message to the House of Assembly—he spoke only from the information derived from a Jamaica paper. In that it was stated, that Sir Evan M'Gregor, the Governor of Barbadoes, did communicate the nature of the despatches he had received to the Assembly. He informed them of the nature of the bill that had come out—that it had been passed by the Imperial Legislature for the general assimilation of prison discipline in the West-India Colonies, but that it would not be drawn into a precedent, and that he hoped it would not give rise to any jealousy on the part of the local Legislature. That was a prudent and a conciliatory course, but nothing of the kind was done in Jamaica. These, he again said, were matters which should be taken into consideration in looking at the subsequent conduct of the House of Assembly. He repeated, that he did not stand there to vindicate that conduct. He was far from being satisfied with it, or with the spirit which the Assembly had manifested. [*Cheers!*] He understood that cheer, but hon. Members must admit that there was a vast difference between disapproving the acts of the Assembly, and consenting on such grounds as had been stated—on such grounds as the preamble of this bill had put forth—to wrest its long-enjoyed constitution from an old and valuable colony. He would contend, that on such grounds as the preamble set forth, they could not support this bill, and on that ground he could not support it. What he said was, that the preamble of this bill did not support its provisions, and upon that ground he should refuse it his assent. He thought that the House of Commons should not be too prone to resent expressions of jealousy, or any ebullitions of anger in other legislative bodies. He thought that they should have some feeling of sympathy for a popular body whose jealousy had been excited by acts of interference on the part of the executive power. It was no reflection on themselves to admit it, but admitted it must be, that it was an inseparable condition in the institution of popular assemblies, to be prone to breaking out in excesses, but if they were to be too keen in repressing each of such ebullitions as it occurred, would they not run the risk of finally destroying altogether the constitutional principle to which those popular bodies owed their existence and their value. And he thought that this House should be the last of these popular assemblies to be too ready in resenting the excesses of others. One fortnight had scarcely elapsed since this House resented a supposed interference, not with its privileges, but with its expressed opinions by the House of Lords. The House of Commons fancied it saw, in some proceedings of the House of Lords, an interference with its expressed opinions—its adopted course of policy—and, therefore, it came forward ready to mark its indignation at the supposed encroachment, and manifest its jealousy of its privileges. That was their last act in reference to the House of Lords. What was to be their next? They were now to approach the House of Lords, and to ask them to punish the refractory Commons of Jamaica. Jealous and vigilant in the assertion of its own privileges, if the House of Lords appointed a Committee to inquire into the state of Ireland, which, in fact, was no infringement of the privileges of the Commons, but, at most, contrary to its expressed opinions, this House then agreed to a resolution to express its indignation at such a proceeding, and so justify every popular assembly which might form itself after our mode. The House of Commons, concluded the right hon. Baronet, which on the 22nd of April had shown its great sensitiveness at what might even remotely affect its rights, now turns on another popular assembly, moving, it was true, in a smaller orbit, but gravitating to a common centre, and for language and conduct which might find an excuse in our example, calls on the House of Lords to help it in crushing, for a time at least, that refractory Assembly. The roof of this House had scarcely ceased to ring with the loud assertion of the rights and privileges of a popular Assembly, when we are ready to go up to the House of Lords and present to them the House of Assembly of Jamaica as a nuisance which ought to be abated. We call upon them to help us to abolish for a time that Assembly, and enable the Lords of Jamaica to tax the people of that colony without representation. "Don't be alarmed," we say to them, "Don't feel any jealousy, don't fear any abuse—you may depend on the Lords of Jamaica for taxing the people. Popular assemblies are dangerous things: we pray you, therefore, to help us to enable them to exercise all the powers of the Government without the intervention of popular representation." Is the House, I ask, prepared to take this course? If it is, it will place itself in a most strange position, which may end in placing some of its own dearest privileges in jeopardy. And let me say that, if you are extreme to take amiss all intemperance, every violent expression, every act of indiscretion on the part of a popular assembly—if you have no fraternal sympathy with other representative bodies—if you are ready 'to pluck out the moat from your brother's eye, but consider not the beam that is in your own,' I still should hope that the example which you are about to set will never, under any future circumstances, be pleaded in derogation of your own privileges; and that you may escape that fate yourselves, which however would not be unjust; for, remember, that 'with what judgment ye judge, ye shall be judged, and with what measure ye mete, shall it be measured to you again.'"

Mr. *Labouchere* said, that the right hon. Gentleman who had just sat down began his statement by declaring his belief that on the part of Government there was a very inadequate conception of the importance of the subject under discussion. He could answer the right hon. Gentleman that the Government was fully aware of the importance of the subject. He was satisfied that no question of greater importance could possibly occupy their attention. He believed, in the first place, that the future prosperity of Jamaica would depend on the manner in which the House of Commons decided the present question. He believed in the next place that the result of the great experiment they were now making, in which the universal wish of this country was interested, he meant the great experiment for so many ages unaccomplished, of leading by peaceable means a population of one million of our fellow-subjects from slavery and ignorance to freedom and enlightenment. He could assure the right hon. Gentleman that with regard to the importance of the subject it was impossible for any one to be more deeply impressed with it than he was. The right hon. Gentleman also said that he regretted being obliged as a party leader to oppose this question. He agreed with the right hon. Gentleman that not only on this question, but on others connected with our colonies it would be most dangerous to deal with them in a party spirit. He said it most sincerely that in the present divided state of parties in that House and in the country, if our great colonial possessions were to be made the battle-field on which party questions were to be fought, the integrity of the empire would be placed in the utmost danger. He should commence his observations by attempting to recall the attention of the House to that, which it had been the whole tendency of the right hon. Gentleman's speech to keep out of sight, namely, the real state of the case under consideration, and the real grounds on which the House was to form its decision. He should begin by stating to the House the facts connected with the present contest between the Assembly of Jamaica and the Parliament and Government of this country, as stated in the papers laid before the House and by the Jamaica Assembly itself. The right hon. Baronet had said, that unless a case of evident and pressing necessity were made out—unless it could be proved that a crisis had arrived, at which Parliament must interfere—the Government would not be justified in interfering; that no *à priori* belief, founded on the conduct of the Legislature of Jamaica, would of itself justify such measures as were in contemplation. In this, he entirely agreed with the right hon. Baronet, although such circumstances would greatly diminish his pain in applying to Parliament. He would undertake to show that this crisis had arisen, and that the House had no alternative. He hoped he should be able to show to the House that they had no alternative, but either to submit to the conditions of the Assembly, or to establish some power in Jamaica to enact the laws which they refused to interfere with. It was on the 30th of October, in the last year, that the House of Assembly was summoned by Sir Lionel Smith, who opened the Session in what all must admit was a most temperate speech. Sir Lionel stated

"Many important subjects consequent upon the altered condition of society will, I hope, receive your early and serious consideration. I shall lose no time in laying before you various dispatches from her Majesty's Government. I beg to assure you of my cordial co-operation in all measures which may tend to improve the laws, to give security to property, to protect the just rights of the peasantry, and assure peace and happiness to all classes of her Majesty's subjects."

It was after this speech that the House of Assembly passed four resolutions, to which he begged to direct the particular attention of the House; because in those resolutions the House of Assembly stated their reasons for refusing to transact the public business which formed part of their functions, although those reasons were widely different from those which it was now attempted to be set up in palliation of their conduct. The first resolution was as follows:—

"House of Assembly, Oct. 31, 1838.

"Resolved, 1st. That the act of the British Parliament, intituled, 'An Act for the better Government of Prisons in the West Indies,' is a violation of our inherent rights as British subjects, as recognised by the constitution of this island, and by the Act of Parliament 18 Geo. III., c. 12; that the same has not, and ought not to have, the force of law in this island, and that the authorities will not be justified in acting on it."

This resolution was carried by a majority of twenty-four to five. The other resolutions were as follow;—

"Resolved, 2d. That the violation of our rights by the Parliament of Great Britain, in which we are not represented, is the less excusable, inasmuch as the House was prepared to enter into the consideration of prison discipline as soon as the report of her Majesty's commissioner was officially before them.

"Resolved, 3d. That the House have witnessed with the deepest regret the unmerited censures passed upon the inhabitants of this island, the extent to which the public mind in Great Britain has been poisoned against them, the absence of all confidence in the Legislature, the reckless manner in which the laws passed by it have been disallowed, and the system of legislation for the colonies which has been determined on, whereby the power of the House has been fettered, and that body has ceased to exist for any purpose useful to the people whom they represent.

In coming to the fourth resolution he begged leave to call to it the particular attention of the House.

"Resolved, 4th. Therefore, that, in the opinion of this House, they will best consult their own honour the rights of their constituents, and the peace and well-being of the colony, by abstaining from the exercise of any legislative function, excepting such as may be necessary to preserve inviolate the faith of the island with the public creditor, until her most gracious Majesty's pleasure shall be made known, whether her subjects of Jamaica, now happily all in a state of freedom, are henceforth to be treated as subjects with the power of making laws, as hitherto, for their own government, or whether they are to be treated as a conquered colony and governed by parliamentary legislation, orders in council; or, as in the case of the late amended Abolition Act, by investing the Governor of the island with the arbitrary power of issuing proclamations having the force of law over the lives and properties of the people."

Upon the receipt of the address embodying these resolutions, the Governor prorogued the Assembly for a few days. On the 8th of November he again convened the Assembly, and made a speech to them, urging the necessity of their proceeding with the business of legislation; and in order that they might know what important subjects he had been instructed by the Government here to bring before them, he stated the subjects of the despatches he had received, to the effect that her Majesty had disallowed certain laws of the island. He recommended the House of Assembly to pass several measures of vital interest to her subjects in Jamaica, and enumerated in the following terms the subjects to which he would particularly direct their attention:—

"It will be my duty to lay before you various communications from her Majesty's Government, explanatory of the grounds upon which her Majesty, in the exercise of her prerogative, has been pleased to disallow certain laws of the island, and conveying her Majesty's recommendation, that provision should be made by the Colonial Legislature for the introduction of several measures of vital interest to all classes of her Majesty's subjects in Jamaica, amongst which are included those having for their objects the prevention of vagrancy, the better regulating the relative rights and duties of masters and servants in husbandry or other kind of handicraft, the determining the qualification of electors, the regulation of a militia, and the preventing the unauthorised occupation of lands belonging either to the Crown or private individuals."

Sir *R. Peel*.—Was the Prisons' Act mentioned in this speech?

Mr. *Labouchere*,—That act certainly was not mentioned. Now, in reply to this speech the House of Assembly returned for answer, that they admitted the emergency in which the country might be placed by the expiration of the annual laws, and the necessity of passing those that were recommended by the Governor in his speech, but so long as their rights continued to be invaded, they must adhere to their resolution of the last Session, and therefore declined to proceed with the business before them. Now, having twice tried the experiment with this House of Assembly, and having found that on two separate occasions they absolutely refused to discharge the duties which they were nominated to perform, Sir L. Smith determined—he thought wisely—that it was idle to continue it in its legislative capacity any longer. Accordingly he dissolved the House of Assembly. A new election took place, and on the 18th of December a new assembly was summoned; and this was the answer returned to the address of the Governor by this new assembly after mature deliberation:—

"We thank your Excellency for your speech at the opening of the session. We feel in common with your Excellency the emergency in which the country may be placed by the expiration of the annual laws, and we also are well aware of the necessity which, in our present state of society, exists, that laws for the prevention of vagrancy, for regulating the relative duties and rights of masters and servants, for determining the qualification of electors, for the regulation of the militia, and for preventing the unauthorised occupation of land, should be enacted; but we are keenly alive to the fact, that our legislative rights have been violated, and so long as these rights continue to be evaded we feel ourselves compelled to adhere to our resolution of last session. We are compelled to adhere to the determination which was come to by the late House of Assembly, the result of our own mature deliberation, corroborated by the full and cordial sanction of the constituency of the island. We beg sincerely to assure your Excellency that in deciding upon this course we have done so with extreme reluctance. We see the inconvenience which must result from it—we are more than sensible of the many existing evils which loudly call for laws to remedy them; but we are, at the same time, equally sensible that the power is no longer left in our own hands to apply the remedy—our legislative rights have been directly invaded by Parliament enacting a law to regulate our gaols, a measure of internal and municipal regulation, clearly and palpably within our province."

He should only add that this answer to the speech of the Governor was carried by a still larger majority in the new House of Assembly than in the old—there being forty on one side and four on the other. On receiving that address from the House of Assembly, Sir L. Smith concluded, I think justly, that it was utterly useless to continue their legislative functions any longer. He accordingly prorogued the Assembly, and sent to this country a statement of the way in which matters stood, with a request that we should adopt whatever measures were thought necessary. He would read a passage from a despatch of Sir Lionel Smith, as to the state in which the colony was left by this conduct of the Assembly:—

"My last despatches will have prepared your Lordship for the event which the new House of Assembly brought about—a confirmation of the resolutions of the last House—to do no business in consequence of the interference of Parliament in passing the Prisons Bill. All my endeavours to induce the House to proceed in their duties having failed, the country is placed in great confusion from the absence of the annual laws on which the public creditor and the public departments are regulated. About seventeen of these laws will expire at the end of this month, and amongst others the Police Bill, which force I must consequently discharge. I may probably, on the authority of your Lordship, in some exigencies, have occasion to entertain a small constabulary force in lieu of the armed police, on which I shall report hereafter. Your Lordship will be fully satisfied from this last appeal to the electoral body, that no House of Assembly can now be found that will acknowledge the authority of the Queen, Lords, and Commons to enact laws for Jamaica, or that will be likely to pass just and prudent laws for that large portion of the negro population lately brought into freedom; and your Lordship will be perfectly aware I have no power as the Governor, to remedy the evils arising from the House of Assembly having refused to perform its functions. Thus a constituency which may be computed at about 1,500 or 1,600 voters for the whole island, have returned—and will continue to return—the same members who deny the authority of the mother country, while upwards of 300,000 of her Majesty's free and loyal subjects are totally unrepresented: and my appeal to obtain for them common laws of protection as labourers, has, your Lordship will find, been totally disregarded."

In a subsequent address, Sir L. Smith laid down the white population at 20,000, and it was no wonder that he should commit this error, from the difficulty of acquiring statistical information as to the colonies. He had himself, the last night he had addressed the House, committed an error which he was happy to have an opportunity of correcting. He greatly understated the number of the white population in Jamaica, which he found to be 16,000. Now the House would perceive, from the statement which he had made, that the case stood in this way: the House of Assembly refused to transact the public business, and the occasion of the refusal was the passing of the Prisons Act. The apology for that refusal was, that their rights were invaded. The condition of the renewal of their functions was the declaration of her Majesty's pleasure that the course which Parliament and the Government took with regard to protecting the interests of the negro population, irrespective of the House of Assembly, should be abandoned. [Sir *James Graham*, no.] Though his right hon. Friend said no, and though there was a great deal of quibbling about words on this subject, after all, the question came to this; when the House of Assembly complained of the course followed by the Parliament and Government, as being unconstitutional and dangerous, and refused in consequence to perform their legislative functions, it stood to reason that the meaning of the condition which they laid down was, "unless the course which has been pursued is completely altered, unless Parliament is prepared to refrain from acting in the manner which they have done, and unless the Government is willing to alter the measures which they thought it their duty to pass, we will not resume our functions." On the part of the Government, he could state that they were not prepared to alter their course. On the contrary, the experience which they had had, confirmed in their minds the necessity, not only of continuing, but of redoubling the vigilance with which they had watched over the interests of the great body of the negro population. The right hon. Member for Tamworth had asked the House, whether they were prepared to pass so harsh a measure as this on such slight grounds. The question which he should put, with great confidence, to the British House of Commons was this—" Are you prepared, in the face of your constituents and of the world, to abandon the resolution which you came to only last year, stating, that you will not rest satisfied with conferring mere nominal freedom on the negro population, but that you will vigilantly watch over their interests, and protect them against oppression and wrong, from whatever quarter they may proceed." It was of the utmost consequence that the House should have a true knowledge of the condition which the House of Assembly imposed on the resumption of their legislative duties. It was on that point that everything turned. Now, he had the curiosity to look at a document which he considered of great importance, and which contained the debates of the House of Assembly of Jamaica, at the time the measure on which the difference arose was discussed, and he must say, that upon looking over the speeches, he was particularly struck at the complete difference which existed between the manner in which the Members of the House of Assembly stated their own views, and that in which some of the Gentlemen in that House attempted to represent them. In the first place, he was bound to admit the advantageous light in which these Members were exhibited with regard to the conduct of the governor. They made no unjust or ungenerous attacks, such as those which he had heard indulged in during that debate against the gallant Officer, who, under circumstances of no ordinary difficulty, was now administering the government of Jamaica. Even the right hon. Member for Tamworth had that night said, that part of the evils of the existing situation of the colony was owing to the ungracious manner in which Sir L. Smith had communicated on the subject of the Prisons Bill with the Assembly, and to his not having imitated the course pursued by Sir E. M'Gregor, by explaining, in a conciliatory spirit, the object of the Legislature in passing that measure. Now, he did not find, in these debates, the slightest blame attached to the conduct of Sir L. Smith; nay, more, no one asserted, as a ground of quarrel with the Government, that Sir L. Smith had not communicated with the Assembly in a becoming manner. All these complaints were fancies put into the heads of the Gentlemen who used them. Sir L. Smith had observed the ancient mode of communication with the Assembly, and no Jamaica man ever dreamed of fastening a quarrel on us, because the governor had not acted in a courteous manner; but they avowed as the ground of their resistance to our authority, the passing of the Prisons Bill by that House. He should now read the extracts from the debate in the House of Assembly. [An hon. *Member:* You cannot read from a newspaper.] He was reading from the regular record of the proceedings of the House of Assembly; the speeches were well reported, and the Jamaica *Hansard* appeared to be correct like the reports of that House. They were as follows:—

> " Mr. March—The speech which they had heard was a very mild and conciliatory one, and there was nothing in it to justify the expression of angry feelings, or a departure from the usual mode of disposing of the opening address.

Another member of the assembly,—

> " Mr. Hamilton Brown had also said, he considered the speech of the Governor very conciliatory indeed, and hoped the usual courtesy of a reply to his Excellency would not be departed from."

These two gentlemen certainly were members of the minority, but he would now refer to the speech of one of the majority, the Gentleman, indeed, who had moved the four resolutions, and in which he had mentioned Sir L. Smith in a way that did him great honour—he alluded to Mr. Barclay. That gentleman said—

> " They had not to deal with his Excellency's speech simply — they had to look otherwise — they had to look to the state of the country, and say what they intended to make up their minds to do. There was nothing in the speech which could justify the House in showing any want of courtesy to the

Governor, and he was sure in dealing with it, as was proposed by the hon. Member for St. John's, his Excellency would not believe any thing personal was intended. The House, in the present instance, had nothing whatever to do with the Governor of this island; it was with the Government at home that it had now to deal. It appears that there will be no end of this interference — that there was to be no end of this continual infringement of the people's rights." [*Hear, hear!* from the Opposition benches.]

He was surprised to hear those cheers, proceeding from Gentlemen who had voted both for the Abolition Act and for the Prisons' Bill. When the feelings of the people of this country were strongly excited on the question, they had never ventured to utter a word against all those proceedings, the natural consequence of which it now became the duty of the House to meet. A large proportion of the Gentlemen opposite joined in that resolution, by which the House bound itself in future to legislate for the protection of the negro population. Mr. Barclay proceeded:

> "If it were the intention of the British Government to legislate for her colonies, why let them honestly and openly avow it, and do so; but he deprecated this hotch-potch mode of legislation—this half legislation at home, and half here. The thing could go on no longer. The House must now make a stand, and bring the matter to a close. It was necessary to come at once to that point, and stick there, for that was, in point of fact, the only question before the House."

Mr. Guy, an opponent of the Government said—

> "He did not blame the Governor. He was obliged to conform to his instructions."

In the course of another debate, on the occasion of moving that the four resolutions be committed, Mr. Barclay said,—

> "It was worse than useless to keep up merely the show of legislative authority, when the substance was gone; the time had arrived when the House should, in justice to itself, and to its constituents, make a stand, by bringing the question fairly to issue, whether the laws for the government of the colony were to be made there or at home."

The next extract he should read was taken from the speech of Mr. Lake, a Member of the minority. Mr. Lake said—

> "The passing of the Prisons Bill by the Imperial Parliament was the bone of contention. He regarded this measure as an interference with the privileges of the House; but it was not without justifiable cause, for it must be recollected, that during the administration of the Marquess of Sligo, the subject of prisons, with a view to their alteration and discipline, was brought under the consideration of the House, and subsequently a dispatch was, last Session, transmitted to the House from the Colonial Secretary, through the Executive again directing their attention to the subject. He was aware that the matter had been referred to a special committee, but that committee had done nothing; they had not even reported to the House what they had done, or what they intended doing."

This gentleman expressed the same opinion as he (Mr. Labouchere) entertained, of the utter hopelessness of the colonial legislature adopting any satisfactory enactments on the subject of prisons.

Mr. Leslie, an opponent of the Government observed—

> "Her Majesty's Government, not satisfied with disallowing our laws, had proceeded to legislate for us by an imperial act of super-legislation. They had forced upon us the Prisons Bill. Were they, then, to waste their time in enacting laws which were sure to be disallowed. He would much rather that the Assembly were at once abolished, and the Government administered by a governor and council."

He had quoted these speeches to show, that this bill would not take the House of Assembly with such surprise as the right hon. Gentleman opposite seemed to imagine. He really thought when the House of Assembly had come to the resolution already referred to, and when they declared, that they would not resume their functions except on certain conditions, which they knew the Parliament and the people of this country never would comply with, they must have made up their minds to meet the consequences which the bill imposed. And he must say, that in some respects he did not disapprove of the position which these Gentlemen had laid down in their speeches. He now felt and had always done so, that the kind of half-and-half legislation commented upon was very objectionable, and in the present critical condition of transition in which the population of the colony was; and whilst the great experiment as to the cultivation of Jamaica estates was about to be tested, he thought, that to pursue what Mr. Wilberforce called "a polemical legislation," bandying acts from the Colonial-office to the Jamaica Legislature, then bringing them back again without ever being passed as laws, was a most dangerous waste of time. And he should not be surprised to hear that this Assembly, having made up their minds not to legislate frankly and honestly in the way which the people and Parliament of this country required, was willing to admit, that it was better not only for the negroes but for the white proprietors, that an efficient and trustworthy system of legislation should be established in the colony itself. This was the only practical solution of the difficulty in which the colony was placed. The right hon. Gentleman had gone at great length into general grounds upon which all were agreed, that it was inexpedient to interfere with the chartered rights of colonists, except in case of absolute necessity. But when the right hon. Gentleman had proceeded to say, that when the result of our dissensions had reached Jamaica, if they refuse to accede to our reasonable wishes, he should be prepared to consent to a motion precisely similar to that now made, he felt bound to ask him two questions; first, was there any reasonable probability that the House of Assembly would abandon their solemn professions and declarations on account of the mere vote of a House of which they had not certainly spoken in very respectful terms? And the other was one which every Gentleman should seriously ask himself before he came to a vote on this motion—it was this: Supposing when we meet again next Session, the House finds, that the House of Assembly either persist in their resolution not to legislate at all, or do so in an imperfect manner, what will be the consequence of the excitement and absence of legislative authority which the proposed delay will cause? He did not think the Government would be justified in bringing in a bill until an absolute necessity arose to deal in some way or other with Jamaica; but when the occasion did occur, the Government was bound to take an enlarged view of the whole of the questions connected with that island—to look back at the conduct of that Legislature towards the people, and what was the peculiar state of the society for which we were called on to pass laws. The right hon. Gentleman admitted, that on general grounds he might agree with her Majesty's Ministers; but, that as the preamble of this bill was too narrow, and did not include the reasons for this mode of legislation, suggested by an extensive view of the whole system of our colonial government, he should vote against it. He must say, that considering the station which the right hon. Baronet held in the House and in the country, that was the most extraordinary position he ever heard maintained. On reviewing the history of Jamaica for the last few years, he found, that since the passing of the Abolition Act, the House of Commons had been obliged to interfere with the Jamaica Assembly on no less than three distinct occasions. In the first instance, the House of Assembly avoided the adoption of that Act, which was consequently made effective without any proceeding on their part. The next interference was one which the right hon. Gentleman, who had professed to give a whole history of the case, had omitted to mention; he alluded to the adoption of that great measure which passed by the unanimous vote of Parliament, representing, as it truly did, the feelings of the people of England —the Abolition Act Amendment Bill. Did the right hon. Baronet recollect the circumstances under which that bill was adopted? Some quotations had been made from complimentary despatches, but they were sent out during moments when there appeared to be a hope, that the Assembly would act in accordance with the wishes of Parliament. Again, he asked, did the right hon. Baronet recollect the reasons for the adoption of the Abolition Act Amendment Bill? That bill interfered with almost every part of the powers of the Jamaica Legislature, and had passed after mature inquiry by two committees of the House of Commons. Moreover that bill was a Prisons Bill, and therefore let him not be told, that such a measure was a new and unheard of thing. The mismanagement of the Jamaica workhouses and houses of correction, formed a prominent part of the inquiries of the committees he had spoken of, and were provided for in the bill. He would not harrow up the feelings of the House by relating the scenes of horrid cruelty and indecency which were practised in those houses of correction, and he agreed with the right hon. Baronet in thinking, that it was ten times worse, that those scenes should pass in the secrecy of gaols, than that they should take place in the light of day. Some stress had been laid on the circumstance, that Captain Pringle did not actually see with his own eyes these abominations, but they had never been disputed, and there appeared in Captain Pringle's report good reasons for believing, that they had occurred. He found, that the governors of the gaols were broken-down planters, whose minds were influenced by feelings in favour of the old slave-driving system; and the inferior officers were convicts and improper characters. It was to the care of such men that apprentices of both sexes were committed, and the consequence was, that they were subjected to treatment of the grossest cruelty and indecency. The right hon. Baronet had laid great stress on the fact, that the Government had proposed the Prisons Bill to the House of Lords on the very day on which they received the Jamaica Act for the abolition of negro apprenticeship; but he must say, that the Government would have grossly neglected their duty if they had on that account delayed the introduction of the Prisons Bill. The Abolition Act Amendment Bill only applied to apprentices, and became null and void in consequence of the abolition of the system of apprenticeship. Thus there would have existed for the free labouring negro no protection against cruelty, except the chance that the Jamaica Legislature would pass a Prisons Bill. Now, when all the proceedings of the House of Assembly were called to mind, when it was recollected that no less than five distinct applications were made to pass some laws for the regulation of prisons, and that the only progress made was the introduction of a Bill on the subject, which was referred to a select Committee, the Government would be justly liable to censure if they delayed to bring forward a Prisons Bill on expectations so vague and uncertain. The right hon. Gentleman also said, that this Bill passed at the close of a Session, and, therefore, attracted no discussion. Now, he had already stated that a distinguished Member of the other House (Lord Ellenborough) had stated that he read through the bill and approved of it. The present Duke of Buckingham, too, then Marquess of Chandos, who had been chairman of the West-Indian body, who presented a protest against the bill from Mr. Burge, and who was cognizant of all the facts of the case, was in his place when the bill was brought into the Commons, and yet never uttered one word on the subject. Neither did the hon. Member for Newark (Mr. Gladstone) speak against the measure. And why was this? At that time the conduct of the Jamaica Assembly was fresh in the recollection of Members, and had excited strong feelings in the mind of the people of this country, and, therefore, it was not surprising that hon. Members opposite did not deem it convenient to offer any opposition to the bill then brought in. Now, indeed, when those feelings were forgotten, Gentlemen came down to censure the Government for having passed it at so late a period of the Session. After all, the question now really before the House was, what would be the consequences if the expectations of the right hon. Baronet should be disappointed, and that the House of Assembly should persist in their determination not to pass the Prisons Bill? In this case it would be impossible for the Imperial Parliament to provide a remedy for such an alarming state of things until the next Session. The right hon. Baronet had said, that he would not be unwilling to agree to a measure for renewing some of the seventeen annual laws which might otherwise expire in Jamaica. Now, he must be permitted to remark that such a proceeding would greatly aggravate the offence alleged to have been committed by the Imperial Parliament against the House of Assembly in passing one bill interfering with the internal affairs of the colony; for many of these seventeen laws were laws imposing taxation. There was another part of the subject which related to laws most urgently required in the present condition of the colonies, but the enactment of which the right hon. Baronet seemed perfectly willing to postpone until such time as the Jamaica Legislature might resume its functions. He should mention some of these laws, and the House would see the great importance of them. There was no question connected with the West Indies which he looked to with greater anxiety for the prosperity and welfare of those colonies than this—how far it might be possible to continue, by a system of free labour, the cultivation of estates. He had no hesitation in saying that on the favourable solution of that difficulty depended the success of the great experiment which we had made; for if we should see the negroes "squatting," as he called it, and passing their time in idleness and sloth, though he might prefer such a condition to the shocking and disgraceful state of servitude to which they had been previously reduced; yet he maintained in such a case half our work only was done, and that unless we could raise them to the condition of free citizens, filling their situations in society virtuously, and taking an active part in its laborious pursuits we should only enable them, under the guise of freedom, to pass their lives in a state of inglorious ease and deplorable inactivity. It would be also most unfortunate if English capital and enterprise were no longer directed to the cultivation of estates in Jamaica, or if those who did possess property there, found it necessary to abandon it. He was bound to state what was his conscientious belief(after looking at the documents which had reached his office, and which were laid on the table of the House) not that there was reason for despair, but that if the proper means were not taken for enforcing the observance of the laws sanctioned by the Home Government, he had great apprehensions for the success of the Emancipation Act. It was impossible that it should not be so. The negro now refused to enter into contracts which were necessary to supply continuous labour. He would just state what the law of contract at present was

> " By the present law, any person having entered into a contract, written or unwritten, with any other person for any kind of service, may, for not commencing his work according to the terms of the contract, or for absence during its continuance, or for neglecting to fulfil it, or ' for any other misconduct or misdemeanour in the execution thereof,' be committed, by any justice of the peace of the parish, to hard labour, in the house of correction for a reasonable time, not exceeding three months, and at the same time be deprived of the wages which would have been due during the period of such confinement; or he may be deprived of the whole or any part of his wages, or he may be discharged from his contract".

It was not surprising that the negroes should be unwilling to enter into contracts under such a law. He was not surprised that the negro was unwilling to enter into contracts under such a law as this, and it was necessary that a proper contract law should be passed, not only for the sake of the negroes, but in order to promote the interests of the proprietors and the planters. [*Hear, hear!*] He understood that cheer; he understood that it was meant that the interests of the planter imperatively required the passing of such a law. But he must say that the history of the House of Assembly in Jamaica showed that they had too often listened to their passions instead of their interests. In any attempt to perpetuate coercive measures under the guise of freedom, he believed they would not succeed, for he was persuaded that no part of that House or of the people of the country would allow so great a sacrifice as had been submitted to by this country, in order to emancipate the negroes, should be made in vain. He would now come to another law, the absence of which during, the next eight months would, in his apprehension, lead to the most serious results. He alluded to the law relating to the militia. He understood, that at present the Governor of Jamaica had no power whatever to prevent militia musters, and he understood also that in case of a skirmish the militia might at any time be called out by their own officers without the authority of the Governor. He thought that it must be evident to every one, that some regulations on this subject were absolutely necessary. The next law was the law of vagrancy. He certainly was of the opinion that a vagrancy law was as much required in Jamaica as in any other country; and he did not see why a black man should be allowed to go about and make himself the pest of society because he was too idle to work. But he was given to understand that the vagrant laws of Jamaica enacted heavy penalties against persons refusing to work for reasonable wages. Now, who was to judge what reasonable wages were? The negro, however, under the vagrant laws of Jamaica, if he refused to work for what might be considered reasonable wages, was liable to be imprisoned for six months. All these enactments were entirely inconsistent with the present framework of society in that colony. His noble Friend (Lord Stanley) smiled at that observation, and he supposed that by that smile he was to understand that the introduction of a Poor Law into Jamaica must necessarily be very hazardous. He agreed with him in that sentiment, but at the same time he considered its introduction necessary, and he was convinced that postponing the measure for an indefinite period would in itself be a great calamity. Another subject which demanded grave deliberation was the adoption of some law to prevent the unauthorised occupation of land, out of which much difficulty and much dispute had arisen, and with respect to which no law at present existed. He came in the next place to a point which must be regarded as one of paramount importance, he meant the reform of the courts of justice. He understood that the courts of law in Jamaica were at the present moment so over-crowded with business in consequence of 350,000 persons being brought within their sphere, in addition to the 50,000 who were there before, that the chief justice declared on the 1st of December, that it "almost amounted to a denial of justice." Upon that point, therefore, it was necessary that some new regulation should be made. It was also necessary that something should be done with respect to the qualification of electors. He could not state with any accuracy what would be the effect of the present qualification upon the liberated negro population; but he knew that great fears were entertained upon the subject by the House of Assembly. He knew also that many frauds were committed, and many fictitious votes created under the existing law. It was necessary, therefore, that that law should be amended. It was also requisite that some new provisions should be made with respect to the law of marriages. He was not aware that he need trouble the House at any greater length. He believed it was not expedient to grant the condition which the House of Assembly had declared to be the only one on which they would consent to resume their functions. He saw but little prospect of their receding from that determination. At all events it did not seem probable that they would recede in such a manner as to resume their legislative functions with any advantage to the general interests of the colony. He conceived that new laws were requisite to meet the new state of society which was arising in Jamaica, which new laws from the spirit exhibited by the House of Assembly it seemed vain to expect from that body. Hence the interference of the Imperial Parliament became absolutely necessary. To defer that interference for another year, would, he believed, be productive of the most fearful consequences. The right hon. Baronet had made various observations upon the subject of the extraordinary powers to be vested in the Governor in council. He (Mr. Labouchere) quite agreed with the right hon. Baronet that the temporary provision proposed to be made for the Government of Jamaica was of a very arbitrary character. It was, however, very similar to the constitution under which the chief part of the Crown colonies of this country at present existed. Demerara, it was true, was an exception; but in the Mauritius, in Trinidad, and in the other Crown colonies, the constitution was almost precisely the same as that which they were now proposing to establish in Jamaica. As related to the Crown colonies, the Queen in council might pass a law upon which no parties in the colony should be consulted, but which being sent out to them would be binding upon them. It was not proposed to adopt so arbitrary a course with respect to Jamaica. Ministers thought that the laws necessary to meet the new state of things in that colony should be passed by persons settling in the colony. It was not proposed, therefore, to frame those laws in Downing street, as might be done in the case of any of the Crown colonies, but to leave the enactment of them to some competent authorities within the island itself. The right hon. Baronet had, also, said, that these things were matters of principle, and that the House ought not to be satisfied with mere assurances on the part of the Government as to the manner in which they should be carried into execution. He was bound to say that the Government would feel it to be their duty to take care that in the composition of the council there should not be wanting persons who should fairly represent the property and general interests of the colony. Mr. Burge and the other learned counsel who had addressed the House upon the subject, had laid great stress upon the number of "twelve." They deemed it necessary that the council should at least consist of that number. He (Mr. Labouchere) assured the House that in the event of this bill becoming law, it would be the object of Government immediately to enlarge that number. The right hon. Gentleman had also adverted to the intention announced by the Government of sending out from this country a certain number of salaried commissioners. He was not able to state to the House what their number and what their functions might be, but there was one object particularly which he thought might be accomplished by this bill, which was of great importance to Jamaica. He believed that the greatest inconveniences were found to result from the fact, that the Governor and the chancellor were one and the same person, and if a lawyer of respectability could be sent out from this country as one of the council, who would be willing to act as chancellor, it would be of great advantage to the people of Jamaica. He believed he had trespassed too far upon the indulgence of the House. He would only say before he sat down, that nothing in the world would have induced him to bring forward such a measure, if he did not in his conscience believe, that it was best for all classes of the community in the island to whom it was to be applied —best for the negro—best for the white—best for the success of that great experiment, the complete success of which no man had more cordially at heart than he had. The right hon. Gentleman had wished to know how long it was proposed that this bill should continue in force. That was, properly, a point to be considered in Committee. He, however, had no hesitation in stating at once that he should propose that it should continue in operation for two years and a half, as the shortest term in which the necessary measures could be completed.

Mr. *Godson* said, the right hon. Gentleman the Under-Secretary for the Colonies had stated, that the Government had determined to suspend the constitution of Jamaica on account of the fourth resolution which they had passed, and therefore he begged to direct the attention of the House to it. The rights of the people of Jamaica to a free constitution, which they had enjoyed for 150 years, had not been conferred upon them by Parliament, but by the Crown, and therefore, when they found their privileges invaded by an Act of the Imperial Legislature, the House of Assembly naturally referred to the Crown, by whom those privileges had been granted in the first instance. The Prisons Act was the first Act passed by Parliament which it was declared should have the force of law in the colony, and therefore they sent to inquire from her Majesty whether they were to go on legislating in future. The first time it had been attempted to call the attention of the people and the Assembly of Jamaica to the subject of prisons, was by the Governor in 1829, and in consequence of that attempt the Act of the 11th George 4th was passed. That Act, however, did not give satisfaction in this country, and had not received the sanction of the Government. Again, the Assembly passed another Act on the same subject, and provided no less a sum than £.42,000 for the establishment of gaols. That Act was one of very great importance, and was calculated to be of the greatest service to the colony. It had received the approbation of Captain Pringle, who stated that it was a measure likely to be productive of the greatest good. A set of regulations was at the same time framed, of which Captain Pringle had also distinctly and emphatically approved. It appeared, therefore, that long before the time when the Prisons' Act of the Imperial Legislature had been sent out to Jamaica, the House of Assembly had in reality passed a Prisons' Bill, almost the same as the one which it was now attempted to force upon them. But when such was the fact, it might be asked, why did the House of Assembly refuse to accept the Act which had been passed by the Parliament of England? The reason was not that the House of Assembly disapproved of the Prisons' Bill, or that they were adverse to its provisions; but because it was the first Act in which the right of the Assembly to legislate on the internal affairs of the island was denied; because it was the first act which was to acquire the force of law, by being posted on the doors of the House of Assembly. The House of Assembly were denied their just rights, and this Act was to be forced upon them without their consent. All the other Acts which had been sent out from this country had been Acts enabling the Assembly to pass Acts of their own, but the Prisons' Bill was an exception to those, and therefore he contended that the House of Assembly were fully justified in inquiring whether, after such an attempt upon their rights, their charter was good for anything; whether the Imperial Parliament was to supersede all local legislation; whether they were in future to be governed as a conquered colony, by Orders in Council, by Acts of Parliament framed and passed without their consent being given or their opinion asked, or by instructions from the Government to the Governor, who was thus to rule them with despotic power. The House of Assembly had not asked for a repeal of the obnoxious Prisons' Bill, but they asked their Sovereign whether they were to consider the charter which had been bestowed upon them as good for anything. Surely no one could contend that they were not justified in pursuing that course, and yet, because they thus asserted their legitimate rights, Jamaica was to be deprived of her constitution. Let it be remembered, that at the time the House of Assembly was investigating the subject, at the very time they had made their report, the Slavery Abolition Act had arrived, when the Assembly was called together by the Governor, and in June that body consented to an Act abolishing, in accordance with the wishes of the Parliament and the people of this country, the two years of negro apprenticeship which were unexpired. After that display of generous feeling—after consenting to the Act for abolishing the remaining years of apprenticeship, the Assembly was dismissed by the Governor. On the 17th of July, when the Prisons' Bill was laid on the Table of the House of Lords, the Assembly, as he had shown, had got a Prisons' Act of their own, and had raised £.42,000 for the purpose of carrying it into operation. They had not refused to adopt the suggestions sent out from England; they had not refused to carry into operation in the island the same system which had been adopted in this country. The bill passed by the Assembly had been approved by Captain Pringle, as well as the regulations which had been framed, and the House of Assembly had manifested their consent to establish a better class of prisons by raising a very large sum of money for that purpose. Now, with such facts before them, he would ask, what right had the Government to propose to suspend the constitution of Jamaica on such grounds as had been stated? Could Parliament be justified in sanctioning such a course? Could they be justified in taking from the people of Jamaica their most valued rights on the plea of the prisons of the island requiring reform, when no necessity existed for such interference, the Assembly having of its own accord passed a Prisons' Bill, and raised a large sum for the purpose of carrying it into operation? But there were two other grounds on which it was contended that it was necessary to pass the bill before the House. It was said, that it would be for the benefit of the whites that the House of Assembly should be abrogated, and it was also said, that such a step was necessary for the black portion of the population. Let him, therefore, examine the subject; and first, with respect to the advantage which it was said the whites would derive from this measure, and from a new constitution being given to the island. The island of Jamaica was divided into three counties, and again into twenty-one parishes, each of those parishes being nearly equal in size to a county in this country. Now, each of those parishes returned two Members to the House of Assembly, and he would ask hon. Gentlemen opposite, who were the advocates for the ballot, an extension of the franchise, and shorter Parliaments, to listen to the franchise which existed in Jamaica. In the first place, there was 10*l.* franchise arising from a freehold in land. Now, a cottage, a garden, and an acre of land, as was well known, were in Jamaica worth 15*l.*, so that the 40*s.* freeholders in this country were not upon an equal footing with those freeholders in Jamaica. In the next place, the franchise was granted on tenancy of the amount of 50*l.* currency, which was, in point of fact, equal to a 10*l.* occupancy in this country. In the last place, the payment of taxes in Jamaica gave a right to the franchise. And now he came to inquire what was the probable amount of the constituency. The right hon. Gentleman could not be expected, from the short period he had been connected with the Colonial Department, to know, with much accuracy, the amount of the population, or the state of the island; and he was therefore not surprised that he had mis-stated the constituency of Jamaica. It was not 5,000, but a much larger amount. There were in Jamaica about 40,000 whites, 110,000 browns, and 312,000 blacks. Now the greater portion of the whites possessed the franchise, and he would ask, was that a small constituency for a population of not more than 470,000 persons? What town in England could, with such an amount of population, show such a constituency? But that was not all, for in a few years the constituency would be very much increased, so that he thought there was no ground of complaint, as far as the whites were concerned. Was there then any fear of the blacks? No. Jamaica had, by petition, informed the House and the country, that they were anxious that that portion of the population should obtain the franchise. The whites had every confidence in the brown population, and were persuaded that they would stand between the whites and the blacks, and they would be of the greatest service in training the negroes to the proper exercise of the rights of freedom. Who, then, were the real parties who wished to do away with the House of Assembly? Were they the inhabitants of Jamaica? No, it was not the people of that colony who wished for such a measure; the parties who wished to deprive Jamaica of her constitutional rights were in this country, and he would mention one of those parties. The Colonial Banking Company wished to do away with the House of Assembly, and let them ask why? That company had a charter, and they wished for a monopoly, and to obtain exclusive possession of the large floating capital of the debt which was yet due. The House of Assembly had passed an Act, establishing a bank in the island, and that act had received the sanction of the council, and had met with general approbation; but when it reached this country, the Government refused to sanction the measure, and had refused to break up the monopoly of the Colonial Bank. Could they, then, wonder that the House of Assembly felt indignant at such treatment, and that they manifested displeasure at seeing strangers enjoying privileges which the Government had denied to the native population? But the grounds for complaint, on the part of the Assembly, did not rest there. At one time a great outcry had been raised in this country, that the slaves were not properly classified, and to obviate all grounds of complaint, the Assembly passed a bill relative to this subject, which, in 1837, was approved by Lord Glenelg. In September, however, of that year, a despatch had been received from the Governor, Sir Lionel Smith, and the act which had passed the Assembly, and in regard to which the Colonial Secretary had expressed his approbation, was, on the receipt of that despatch, disallowed by the Crown. Now, when they saw an act which had passed the Assembly, and which had met with general approbation, and been even approved by the Colonial Secretary, denied the confirmation and sanction of the Crown, could they be surprised that the Assembly should feel that it was in vain for them to legislate on any subject, when they found that a party, hostile to their existence, rendered all their acts, and all their good intentions, of no avail whatever? Many of the despatches of Lord Glenelg had been quoted, and he should only allude to one more, which had not yet been noticed. It had reference to the subject of education, which had occupied much of the attention of the Assembly, and was dated on the 29th of April, 1837, and addressed to the Governor, Sir L. Smith. It was to the following effect:—"I have received, with much satisfaction, the report of the measure proposed by the House of Assembly for the diffusion of religious and moral instruction in the island of Jamaica, and with pleasure observe, that they have made no distinctions between any sect or class of society." Those were the terms in which Lord Glenelg spoke of the measures of that body, which the bill before the House proposed to abrogate. His Lordship, however, continued—"The benefits likely to result from those measures, and the conciliatory conduct, and the anxious endeavours of the House of Assembly to promote the welfare and happiness of the people of Jamaica, will amply compensate the Imperial Parliament, and the people of this country, for the pecuniary sacrifice they have made for the emancipation of the negro population." Hence then, down to the year 1837, they perceived that Lord Glenelg had expressed the highest approbation of the proceedings of the Assembly, and had proved, in the most satisfactory manner, that he considered the Assembly to have done every thing to meet the views and the wishes of the Parliament, and the people of Great Britain, and to promote the best interests of religion in the island of Jamaica. How then came it, that the Assembly had lost the high character which had been bestowed upon them by Lord Glenelg—how was it that that body could not now be trusted? Was it on account of the state of the prisons, and the disinclination of the Assembly to improve them? In 1836, Mr. Sturge had visited Jamaica, with the view of examining the state of the country, and, amongst other objects, that Gentleman had directed his attention to the state of the prisons. And what was his report on the subject? Mr. Sturge had allowed, that he had seen several, which he considered deserving of approbation. But the Government had, in the September of that year sent out Captain Pringle to examine into the many complaints and allegations which reached this country, and to see how far the grievances complained of were well founded. And what had been the report of that gentleman? Captain Pringle had stated, that although he had found many things requiring improvement, he had seen nothing like what had been described to him before he left this country. He found a large proportion of the allegations which were made, totally without foundation, and he had distinctly stated, that so far from the Assembly being unwilling to proceed to legislate on the subject of prisons, two plans had been shown him, which were under consideration with a view to immediate adoption. Such were the facts as stated by Captain Pringle, who had suggested that neither of those plans should be adopted till they received the plans which were under the consideration of Parliament, and which were to be adopted in England. It was upon the plans to be adopted for England, that the Assembly proposed to form the prisons of Jamaica. But it might be asked, what confidence could the people of Jamaica have in the Governor and the council by whom they were governed? Were hon. Gentlemen aware of the nature of that council? Why, at one time it was a legislative body, at another like the House of Lords, it sat as a court of justice; and at the next moment it might be convened as a privy council. If the Governor was informed that the council was legislating, or about to legislate on any matter, or in any way he disapproved, he might walk in, and at once suspend their legislative functions, and form them into a privy council. Under such circumstances the council was, in fact, nothing more nor less than the Governor. A council so composed, and with such limited functions, at once gave into the hands of the Governor a degree of power amounting to a complete despotism. The right hon. Gentleman opposite had said, that the laws which were necessary for Jamaica to enact, fully justified the course which the Government had adopted, and that no time was to be lost in passing the bill before the House. Now, let the House consider that statement for a moment, and let them see to what laws the right hon. Gentleman alluded in justification of the haste which he considered necessary, and of the despotic measure which he advocated. The first of those laws related to contracts between master and servant, but the law of Jamaica on that subject was the same as the law in this country. The next law related to vagrancy. The law of vagrancy had been enacted before the Emancipation Act; what was the law in this country? If a person was found going about idle and not working for his subsistence, he was sent to prison. The law was almost the same in Jamaica, and if it was provided that the person going about idle should before being sent to prison be offered employment and sufficient wages, no difference whatever would exist. The next law related to the militia, but the Governor of Jamaica was also Captain-general, and no one could call out that force without his sanction and authority. That force was entirely at his disposal. The right hon. Gentleman had next alluded to the laws relating to the courts of justice; and he admitted that those laws loudly called for amendment. There ought to be a Lord Chancellor for the island, for the idea that an old officer unacquainted with the laws should be the chief administrator of justice was absurd. He should be glad, indeed, to see the courts of justice in our West-India Colonies improved, and such a step could not fail to give satisfaction to the people, and to be productive of the greatest benefit. There was, in fact, one bill which required immediate attention, namely, the Police Bill; but surely that bill alone was not sufficient ground for depriving Jamaica of its constitution, by suspending the legislative functions of the House of Assembly. But, supposing the bill before the House passed, what guarantee had they that Jamaica would submit, and how were they to enforce obedience if she refused? Would they send out a fleet? Would they, when France was exulting on the downfall of our navy, when from weakness they had submitted to insult at Mexico, and when they were without a fleet in the Baltic, send out a fleet to enforce obedience to their laws in Jamaica? Or would they increase the army estimates by sending out an army? The House of Assembly had often entered into contests with this country, and had always been successful, and for this plain reason, that they had always contended for their rights. The House might smile at the idea of Jamaica opposing the force of this country. It was true she was totally unable to resist the armed force of England, but if she opposed a passive resistance, how was that resistance to be overcome? He would give them an instance to illustrate this part of the question. The Governor had under the Prisons Act appointed two inspectors, and what was the conduct of the local magistrates? They had informed the Governor that they could no longer continue their services. And if such conduct was imitated, how could that species of resistance be overcome? How could they make men obey their dictates when they knew that they had the sympathy of their fellow-subjects, and when they were sure of the support of all the other islands? The thing was impossible, and they would be obliged to submit at last. What guarantee would the Canadians have after the Canadian Bill was passed, according to the message of her Majesty, that an Act of a similar nature would not be sent out to them? He would tell the Government that they might attempt to coerce, but they never could succeed in coercing the smallest portion of a nation determined to be free. What confidence could the people of Jamaica have in the present Government? He declared that they had no confidence in it. The only address which had come from the island in favour of the Governor, contained among the signatures appended to it the forged names of 179 inhabitants of the town of Kingston. What confidence could they have in the Government which intrusted the whole of their liberties to such a Governor, whose support was so weak that forged signatures must be resorted to? What confidence could the people of Jamaica have in these magistrates, who were notoriously men who took only a one-sided view of every case, and in differences between masters and servants were always prejudiced against the master? In one instance an order was made for the payment of a negro for work, which he afterwards admitted he never was ordered to perform. What could be thought of a Governor who talked of the missionaries having well advised the negroes what to do, and in reference to the planters said, "We will overcome them"—a Governor who acted with a one-sided view of every case between planters and negroes? Such a Governor might be as great a despot as any that ever tyrannized over others. Taking this bill, then, as a Bill of Pains and Penalties, he averred that there was not the slightest ground for passing such a bill. He thought it was too much for the British House of Commons to agree that the suspension of the legislative functions of the House of Assembly was necessary even for the limited period of two years and a half; and perhaps it would not stop there, but at the expiration of that term some excuse would be made for continuing this act, and, more than that, it might be hereafter construed into a precedent for so dealing with other colonies, and they would lose the good opinion, the good feeling, and, what was more, the revenue that came from those colonies. For it must be recollected, that the little island of Jamaica paid more to the revenue than any other; 3,000,000*l.* a-year was a low estimate of the mount annually contributed by that island to the public revenue. He trusted, then, that for all the reasons he had attempted to urge upon the serious consideration of the House they would pause before they agreed to such a measure as that now proposed for adoption; and that they never would set the example of showing, that while they enjoyed liberty themselves, they were the first to take it away from others.

Mr. *Ewart* would give his cordial support to this bill, and he thought, that he could find his first reason for so doing in the extremely feeble speeches of the right hon. Baronet and of the hon. Gentleman opposite who had opposed the present motion. Knowing the power of the right hon. Baronet, and being aware of his eloquence, they could not trace the feebleness he had displayed to any want of talent, but they must attribute it to the feebleness of the cause which he advocated. He had heard it with surprise asserted, that the suspension of the constitution of Jamaica was a suspension of popular government. Was that a popular government which ran counter to the wishes of the people, for whom it ruled? He confessed, that if he wanted to show the very opposite of popular government, he would point to the Legislative Assembly of Jamaica. They could no more draw a parallel between this assembly and popular government, than they could between the two great leaders of opposite parties on this question, Mr. Burge and the distinguished head of the United States, George Washington. It was not on the Prisons' Bill that he founded his vote—he only took the conduct of the Assembly with regard to that bill as an index of the disquiet which existed between the planters and the labourers; and it was upon the general grounds of the differences existing between them that the House was called upon to interfere. He thought, that in the intermediate period of danger, they should transfer the power from both parties, and vest it in a third, which would keep it safely for both. He was anxious to transfer the power; for he abhorred the power of the ascendancy system, either in

Ireland or in Jamaica. He knew well the feelings of those who had once had the ascendancy in a country; and this feeling prevented them from ruling those with a semblance even of equality, over whom they had long domineered. He believed, that when persons had once possessed this ascendancy power, there was a greater temptation in that power to domineer than to acknowledge the just rights of man. This, however, was not only a portion of the common system of an ascendancy government, or of a government by the proprietors in Jamaica, but it was a government of agents and factors—a kind of middle men, more dangerous than any other; for while they felt all the weight of the power they possessed, they felt none of its liabilities and none of its duties. In the papers which he held in his hand he found ample vindication for the course he was about to take. Did they not find them ejecting labourers from the land on the same system as was pursued in this country on the idea of "doing what they liked with their own," though it was not done with an English, but with a West Indian feeling? Did they not find them endeavouring, under the pretence of contracts, to preserve the dominancy of the old system of servitude. And when the House saw these things, when they saw the people still dealt with as slaves, could they come to any other conclusion, than that these persons so acting were no longer fit to be governors, and that the government ought to be transferred to other and to better hands? He found his justification also in the conduct of the local legislature towards the British Government and the British Parliament. They did not expostulate quietly with either. They did not simply protest against the acts that had been passed, but they said:—

> "While we protest against the usurping power of the British Parliament, and deny their right to pass laws for our government, we cannot overlook the character of the parliament which affects to regulate and constrain our morals and humanity. The greatest share of power rests in the House of Commons. That body has been accused before the world and within its own walls, by a leading member, of the high crime of perjury. The accuser has not been punished nor the charge refuted; and he and the accuser himself are in their turn accused of violating their oaths as often as ecclesiastical matters are the subject of legislation in the House. The House of Commons has also been charged with corruption in the progress through the House of private bills."

It might be supposed, that they would be more merciful to the House of Lords, but of that House this local legislature said:—

> "The island of Jamaica never will consent to be ruled by men who have, in their proceedings towards them, invaded the ancient statutes of the realm, and usurped the prerogative of the Crown; who have, although not represented amongst them, imposed on her people taxes and penalties, and set aside the trial by jury,"

Nor was this the first indication of opposition. The Governor had been, before there was any quarrel about the Prisons' Bill, opposed by the Colonial Assembly in matters of humane legislation. They spoke as if they were the representatives of the people of Jamaica, whilst they represented only 2,000 persons out of 300,000. He felt, therefore, no compunction, but he was rather happy in supporting a measure to place under the power of the British House of Commons the liberty of the people of Jamaica, and to put down the spurious local legislature. He turned with satisfaction from the consideration of the conduct of the local legislature to the conduct of the Governor, Sir Lionel Smith, who had acted with the dignity becoming his situation, and with more of the mildness becoming a Christian, than the legislature by whom he had been opposed. The people of Jamaica felt safe only when they appealed to the Governor of Jamaica, and when they could make the additional appeal to the British Parliament and the British Crown. They had been pursued in their own country by their hard taskmasters, who could not forget the chains with which they had been long bound. They flew for refuge to the Throne and to the British Parliament, and they threw themselves for protection under the ægis of the English constitution. Not only was it the interest of this country, that the Parliament should be required to interfere; but it should be demanded for the interest of the planters themselves. He felt, therefore, that they were bound to intercede for the welfare of the planters. Who were against the planters? They had against their proceedings the Parliament, the people, and the Crown of England, and when they were supported by this power, and backed by reason, it was vain for the planters to contend against them. He sat down, therefore, firmly impressed with the conviction, that the House was bound to intercede, not only on account of the negroes, but also to sustain the character of the Government and of the Parliament, and with a proper consideration for the lasting interests of the planters themselves.

Mr. *Charles Buller* spoke to the following effect: I am more than usually anxious, Sir, on the present occasion, to have an opportunity of explaining the reasons of my vote, because, while I am most decided in supporting the bill now before the House, I entirely dissent from the grounds on which it was at first specially proposed. The extensive and important change which it is now proposed to make in the form of government so long established in Jamaica, has been specifically grounded on the alleged necessity arising from the Assembly's refusal to discharge its duties, in consequence of the interference of the House of Commons with its privileges in the case of the Prisons Act. If this were the only ground on which alone this bill could be defended—if the question were, whether we are prepared to enforce the Prisons Act by destroying the Legislature which has ventured to resist it, I would vote against the present bill. Nothing is clearer than the duty of the supreme legislative authority to respect the independent exercise of that authority which it delegates to subordinate bodies. We have delegated the internal legislation of the province to the free inhabitants of the colony; and while that delegation of power exists—while we continue to recognize the compact of non-interference in the internal affairs of the island, it is our interest as well as our duty faithfully to observe the compact, and to respect the legislature which is established under our own authority. We have a perfect right to take away the present constitution of Jamaica if we please; but while we maintain it we must respect it, and respect the independence of those who, in resisting a violation of a compact, are not merely maintaining privileges which we have granted to them but discharging duties which we have imposed on them. The management of the prisons is clearly one of those matters of internal regulation, which the established constitution of the island vests in the sole discretion of its own legislature. That legislature has chosen to exercise its undoubted right in a manner repugnant to our sentiments and contrary to our views of sound legislation, and contrary, I am perfectly ready to admit, to every dictate alike of humanity and policy. But if you mean to allow the island a degree of self government, you must surely allow the legislature a difference of opinion on such a point as this; and even if its ideas are rather backward, you must not overturn the whole form of government in order to force upon it your own more enlightened system of prison discipline. It would surely be simpler and safer to let the people of Jamaica continue for two or three years with bad prisons, than to destroy their whole form of government, for the sole purpose of putting their gaols in order. If I were called upon to decide the matter merely on the grounds of the present quarrel, I think, that in that quarrel we are in the wrong; and that instead of destroying the constitution of the colony, because its legislature has resisted an encroachment on it, our only mode of getting out of the difficulty in which we have involved ourselves, would be by retracing the false step of interference which we have already made. This quarrel appears to me a singular specimen of the short-sighted policy of legislating not on general principles, but on the exigencies of the moment. The attempt has been made to evade the recognition of those large and bold principles which we have long been called on to adopt in the government of the West-India islands, and to attain our end under the pretext of a quarrel, which seems to have been very carefully prepared. The utter insufficiency and injustice of the pretext appears to me now to be the most serious obstacle in the way of the measures which it is desired to further. For, Sir, strong as my opinion is against the alleged grounds of the bill now before the House, when I extend my views beyond the mere allegations of parties to the general merits of the question, and inquire what really is the form of government best suited to the present circumstances of Jamaica, I am forced to come to the conviction that the only prudent course for the imperial legislature to adopt, is, that of suspending the present constitution of the island in the mode proposed in this bill. The bill brings that question before us. It brings before us of necessity not merely the single quarrel respecting the Prisons Act, but all the difficulties which have arisen, and must be expected to arise, from the attempt to carry into effect the great measure of emancipation under the system of government which existed during the state of slavery; and I must say, that I could only regard it as a contemptible evasion of our duty, were we to confine ourselves in the present instance to deciding on the conduct or the allegations of particular parties, and so elude the great duty of fitting the political institutions of Jamaica to that altered state of society produced by that great change, that we have effected in the social condition of the island. This is the real business before us: and if in the decision of a question which involves the honour of the empire, and the dearest interests of a large number of our fellow-creatures, we can have the virtue or the capacity to elevate our minds for awhile above the paltry personalities and narrow views of party, we shall, instead of vying in the petty ingenuity of suggesting expedients that may stave off the difficulty, or shift it on others, set ourselves in earnest to the task of providing that remedy which has been already too long delayed. The bill now proposed is but the necessary supplement to the Emancipation Act, and it would have been passed simultaneously with that act, had the noble Lord, the Member for North Lancashire conceived the real nature of the task which he then undertook. I am peculiarly sorry to offend hon. Gentlemen opposite, by making remarks upon the conduct of the great statesman whom they are proud to follow. Unfortunately, though such of us as were in this House during the Session of 1833, may recollect with admiration the great skill with which the debates on that question were conducted, the nation has little reason to congratulate itself on the forethought, or the comprehensiveness which were exhibited in framing the measure of Emancipation. I know of no act which reflects so high honour on the nation, whose extended philanthropy impelled the emancipation of the slaves in our colonies, and whose generosity bore the heavy cost at which it was effected; and none which reflects so little credit on the statesmanlike qualities of the minister who was intrusted with carrying the will of the people into effect. I speak not now of the singular levity which was very publicly exhibited to the eyes of the world during the passage of the Emancipation Act through this House, when, in the course of two or three weeks, a loan was suddenly converted into a gift, and the purchase-money then augmented by the addition of a full third to the original sum of many millions. I speak of the measure itself—unwise and incomplete in its very nature—a measure which, possessing no really useful characteristic of either immediate or gradual emancipation, interposed a period of delay, which has been, in fact, a period of more irritation, and which, instead of facilitating the conversion of the slave into the labourer, has unfitted him for his future condition, by subjecting him to an apprenticeship, during which neither coercion nor wages were presented as an inducement to industry—a measure of which the signal failure is marked by the facts that, by an almost universal consent of all the interested parties even a seven years' trial has been considered too long for it, and that the experiment of emancipation has as yet met with success only in that one island, in which a perfectly different system was adopted from the outset. Nor was the measure accompanied by any of those supplemental political changes which this great social change rendered necessary. The noble Lord has allowed the period of delay between the commencement and the termination of emancipation to elapse, without the suggestion of a change in the form of government. I know that the noble Lord thinks that so soon as he passed from this side of the House to that on which he now sits, all his duties to the colonies ceased. He has been a Member of this House ever since, and we have frequently had occasion to hear his voice, but he has never suggested any alteration in the bill which he introduced; and, I say, that the great difficulty now is, to do that which the noble Lord ought to have done in 1833. I am inclined, Sir, to doubt a little whether the Gentlemen who oppose this bill, have ever sufficiently reflected on the vast change which the emancipation of the negroes has effected in the condition of the West Indies. I tax my memory to find an instance in the history of the human race, in which so great a revolution in the condition of a people, has ever been so rapidly effected; and I can find none, except perhaps the sudden subjection to slavery which visited the inhabitants of the Roman Empire, on the invasion of the barbarians. The great revolutions of modern times—political revolutions which have filled men with dismay- -are, after all, nothing in comparison with the change from slavery to freedom. Changes of the same, or almost equal magnitude, have no doubt been effected in modern Europe; slavery existed here; and slavery has been extinguished. But it was extinguished by the action of the society in which it existed; men's minds had by degrees been prepared for it; the authority of the master, the bonds of the serf were gradually loosened; and the same progress of opinion which abolished the personal servitude, by the same gradual process, enlarged the political privileges of the lower orders. But here, in a community of 400,000 souls, you have suddenly converted 380,000 from oppressed and degraded slaves, dependent on the caprices and prudence of a handful of masters of another race, into freemen, clothed with the privileges and the responsibilities of freedom. You have converted the mass of a people from chattels into men; you have, as it were, suddenly added this immense proportion of free population; and you are called on to make laws for all this new population, which has been left hitherto unprovided with any, which are necessary either to restrain or to protect freemen of their class. For it is one of the peculiarities of slavery, that it needs not the existence of the laws, which, in free societies, are requisite to regulate some of the most important relations of life. Endowed with no civil rights, the slave needs no laws to regulate his relations towards his master, and hardly any towards other men. All his civil—the greater part of his criminal—code lies in the breast of his master. By freeing him, you create, for the first time, one of the most important relations of humanity—that of employer and workman, that of landlord and tenant, are the most obvious. What a world of legislation do these two relations imply! But even further legislative provisions are rendered requisite by the change from slavery to freedom. In the state of slavery, the masters provide for the poor. There is no vagrancy but that of runaway slaves. The slave does not inherit, nor bequeath. The very relation of marriage and paternity, are matters that almost exclusively concern the master. The acts which society punishes as crimes in free men, are, with a few exceptions, merged in the offence to the master; and the greater part of a criminal code is consequently superfluous, the master taking the place of the Government in adjudicating on crime and administering punishment. The disputes between slaves, legally incapable of entering into contracts, or undergoing civil injury, are matters regulated by the paternal jurisdiction of the master. The functions of police are those of merely supplying physical force to enforce that jurisdiction. Nor does the State interfere with the education, hardly with the religious instruction of the slave. When you convert the slave into a free man all these wants arise. The State has to provide what it previously left to the master—it has to create the greater part of a criminal, almost the whole of a civil, code—it has to supply the judicial machinery for administering both, and the police necessary for enforcing the laws—it has to provide for those of whose support it has relieved the master, and to regulate the questions of pauperism, of vagrancy, and a number of others of equal importance; and it is its duty to furnish the education which can alone fit the ignorant and helpless slave to enjoy the privileges and discharge the duties of freedom. When, as in the case of the West Indies, the emancipation has been sudden, these legislative provisions must be suddenly made; and, above all things, they must be made in a spirit of hearty good will to the great experiment of emancipation. They must be made by men thoroughly convinced of the possibility of elevating the slave into the freeman, and sincerely desirous of achieving that great end—by men filled with no regrets for past power, no irritation at the loss of extinguished rights—by men who will not seek to perpetuate slavery under the name of vagrant laws, or iniquitous regulations respecting the contests of workmen—who will not, on finding it hopeless to attempt keeping up the obligations, seek still to continue the degradation of slavery, and to vitiate the results of freedom by leaving the emancipated negro in all his former ignorance and immorality, and thus rendering savages those whom they cannot keep slaves. New laws must be made for a new people, and made and administered in a spirit exactly the reverse of that which has hitherto animated the Legislature of Jamaica. In that Legislature what expectation can you form of fitness for such a task as this? I know the ordinary state of culture and political education in British colonies; and though I doubt not that the inhabitants of a colony are generally fitted, in the ordinary course of political events, to supply the ordinary wants of legislation, I do not believe that the society of any colony, far less of a slave colony, chiefly owned by absentee proprietors, can supply the legislation that can achieve the great task imposed on those who have to carry into immediate effect the emancipation of the negroes. But putting aside capacity, what evidence of good intention have the Legislature of Jamaica given? What is the spirit in which they regarded emancipation while unaccomplished, or with which they have administered it since it has been achieved? The very worst. They prevented its becoming law as long as they could; and since it has become law, they have endeavoured, by every means in their power, to defeat its purpose and nullify its provisions. I will not enter into that crimination of particular Acts, which I so much object to in dealing with legislative bodies. I ask you, what has the history of Jamaica legislation for the last twenty years been, but a constant revision of every measure that has been adopted for the benefit of the slave—a constant resistance to every authority, every law, and every minister that sought to better his condition? What are the objects of the law passed in the island since emancipation, except to keep up slavery under the provisions for regulating the contracts of workmen, and to degrade and depress the negro? Look at the composition of the Assembly, and the constituent body which it represents. What are they but the very class out of whose hands you have taken the lash? Who resisted emancipation as a spoliation of their property—who predicted its failure, and who can be expected to make no wiser and no more humane use of the political power which has been left in their hands than to defeat, by every possible means, the great experiment, of which they dread the success? I do not blame the Assembly. [" Hear!" from Lord *Stanley*.] The noble Lord is surprised that I can tolerate a difference of opinion in any man, but I beg to assure him that I can do so. Their difference of opinion from us on the subject of emancipation is a difference which I view with great tolerance. I blame only those who, affecting a regard for the success of emancipation, would leave the powers, on the exercise of which that success entirely depends, in the hands of its ancient, unreconciled, and irreconcileable adversaries. The right hon. Baronet is shocked at the present bill because it interferes with what he calls popular rights, and suspends what he calls a popular Assembly. Well, Sir, he is consistent in his views of representative government. While a colleague of his—his colonial secretary by the bye—is denouncing the Assembly of Newfoundland, because the people of that island are poor and Catholics, the right hon. Baronet demands our respect for this model of representative government, in which about a two-hundredth part of the population form the constituency. The right hon. Baronet is consistent in his views of representative government, and I do not wonder at his upholding this constitution as one which ought to be respected. But I must express my astonishment at his being supported even in the days of Liberal crotchet and inconsistency, by friends of mine on this side of the House, who feel a sincere attachment to popular Government. I don't allude to my hon. Friend the Member for Kilkenny. He is always wrong. He has always singular notions on all topics connected with negro slavery, on the subject of emancipation I only knew him as far too friendly to the planters. But I do wonder, that there should be others not warped by this feeling, who allow themselves to be juggled by the mere name of representative Government, and seem to imagine, that in defending the Jamaica Assembly, they defend anything but one of the narrowest and most oppressive oligarchies that ever mocked the form of free Government. Why, if this were an European Government—if in this quarter of the globe a 200th portion of a community elected the rulers of the remainder, who would not denounce such a tyranny, whatever disguise of elective institutions it might wear? I cannot comprehend how these men could be sincere opponents of the parliamentary system which existed in this country before the Reform Act. Bad as that system was, it provided a far freer and fuller representation of the people than this Assembly of Jamaica. To me it seems, that such an oligarchy is, without exception, the most detestable form of Government that has ever been known, and that despotism of any kind is to be preferred to these semblances of self-government, which give you in fact many tyrants instead of one. We do not lament the oppressive oligarchies of Venice or Poland, merely because they dishonoured the name of republic by assuming it. Yet these oligarchies were better than this privileged class of white masters of a black population, this agent oligarchy, this aristocracy of attorneys and overseers. Compare a governor in council to such an assembly. Each is equally irresponsible to the people whom it governs. In whose hands is it safer to leave such power? In that of an English governor, responsible to English public opinion; or in that of the delegates of this handful of dispossessed and irritated slave-owners? Take the instance of the Prisons Act apart from the interference of our Parliament, and you have in the behaviour of the Assembly on this subject a sample of what co-operation in the business of emancipation you have a right to expect from it. You have here an instance of the opposition which you may expect from the House of Assembly to every measure for the good government of the emancipated negroes. You may, by menace or coercion, make this opposition more prudent, but, depend upon it, while you submit those whom you have freed to the government of their ancient masters, that opposition will always be as obstinate and effectual. There are some who think, that this is an evil, which a little time will be sure to remedy, that the blacks will, ere long, acquire a preponderance in the electoral body, and be able to right themselves. I must confess, Sir, that this affords me no consolation, and, that in addition to desiring a suspension of this constitution in order to stop the present abuse of power by the whites, I am quite as anxious for it in order to prevent the future abuse of power by the blacks. I should see with as much dismay emancipated slaves ruling their ancient tyrants, as dispossessed slave-owners ruling their former slaves. No man is more inclined than I am implicitly to adopt the will of the majority as the only safe rule of Government. The more experience of men and political institution I acquire, the more thoroughly do I adopt the belief, that the best way of governing them is to let them govern themselves entirely. Nor do I at all believe in the doctrine of the essential inferiority of particular races, or doubt that black men would, under favourable circumstances, govern themselves quite as well as white men. But surely there are circumstances of inferior civilization, of long oppression, and of consequent ignorance, degradation, and irritation, that unfit particular races of men for entering on the task of self-government at particular times. Are not the emancipated negroes in such a position? Take their past history—the excitable character of their race—their utter ignorance—the oppression from which they have just obtained their deliverance, and let any man say whether such a people would not first use their political power to wreak vengeance on their ancient tyrants? I do not depreciate the capacities of these long-depressed men—I do not deny, that they will ere long be fit to govern themselves; but to give them power now—to give to any man who has felt the lash the power of avenging himself on the man who has laid it on him, seems to me to be giving up a society to the worst passions that can actuate men, and to be ensuring all the first horrors and all the subsequent barbarism of Hayti. Establish representative Government as extensively and as fully as you can; but establish it in homogeneous societies, and in circumstances which will give it some chance of fair play. If I could wonder at any imprudence on the part of many involved in a contest of political power, I must confess, that I should be astonished at finding the representatives of the white interest in Jamaica refusing the present opportunity of guarding against the inevitable and speedy predominance of the blacks in the Legislature of the island. I know, that they console themselves with assurances that the acquisition of the franchise will be gradual, and that the negroes will obtain political power bit by bit. From what I can understand of the nature of the franchise, the ease with which land may be acquired, and the utter impossibility of preventing an irruption by force and fraud of a great mass of coloured electors, I must own that I think this a most dangerous experiment; and that the slightest doubt of the result is in my mind decisive against a course in which disappointment would be so disastrous. Under these circumstances, Sir, what form of Government can be devised for this island? I am very much opposed to despotism any where, and, above all things, to despotism in a colony of England. I know enough of the character of English functionaries in the colonies, and I know how entirely unfit the gentlemen employed are to administer their power without the aid, as well as the control, of the people. I know how peculiarly inefficient and corrupt an English despotism everywhere is. I know, too, that when you render the Government of a colony utterly irresponsible to the governed, you only excite an increased disposition for interference on the part of the public and Parliament at home; and that the colonial despotism which you propose to establish will be liable to be constantly thwarted by ignorant and factious intermeddling here, and be, in fact, a very weak as well as a bad Government. Still it seems to me the best that the peculiar circumstances of Jamaica admit of. Any despotism is better than the anarchical despotism of contending races—of slave-owners suddenly stripped of what they consider their property—of slaves suddenly freed and invested with the power of avenging themselves on their oppressors. At present you can trust neither the majority nor the minority with the government of the island. You must place power in the hands of some external authority leaning for support on an external force, and in no wise responsible to the governed. This is just what the bill contemplates. I know not whether its details may carry this purpose into effect in the best manner conceivable, but its object I am very confident is right, because in fact it is prescribed by an absolute though deplorable necessity. To these conclusions I have come on general principles, and on grounds utterly independent of the ill-advised quarrel on which so much stress has been laid. I should have come to these conclusions at any time since the passing of the Emancipation Act. The suspension of the constitution was necessary then—has been so ever since—and is not a bit less so now. And such being my feeling, I cannot accept the right hon. Baronet's suggestion of giving up this bill on his promising to get us out of our present difficulty by a little delay and fine speaking. Settle the question as you please, the constitution of Jamaica is still unsuited to the present state of society in the island; and its existence is an intolerable evil. No compromise or delay can get us out of this difficulty—nothing can overcome it, but the prompt and vigorous execution of the bold and comprehensive course devised in this bill. As to the right hon. baronet's plan, putting aside its utter insufficiency, in such a view of the case as that which I have presented to the House, I should like very much to know on what view he can make out that his suggestion would contribute either to our honour or our safety. The right hon. Baronet puts himself forward as a mediator, taking a view as hostile to the pretensions of the Jamaica Assembly, as their most decided adversary can take. For he thinks them wrong in this particular quarrel. He stands by the Prisons Act—he is as determined to enforce it as the Government can be; but he fancies that he has hit upon so insinuating a plan for obtaining the submission of the Assembly, that he can get it to do what no one else could persuade it into. He proposes not to pass the bill now, but to give the Assembly one more chance of retracing their false step, and submitting cheerfully to the Prisons Act; but I think this rather a hopeless experiment; he will give Ministers power to do in the holidays what he does not think the House entitled to do during the Session. I must at once, without discussing the chances of success, protest against this as a most unbecoming and fatal course. The suspension of a constitution is a grave measure; and surely if ever it be taken, it should be taken absolutely and not contingently, by the direct and not by the delegated authority of the Legislature. It should be taken on large and well-considered views of public policy, and not be left hanging on the good temper of Ministers or provincial assemblies, and the nice shades of right or wrong in the conduct of a quarrel between them. But I own I cannot see any actual chance of success from delay. I suppose that the plain meaning of the right hon. Baronet's suggestion (if indeed he had any view in originally propounding it beyond that of taking advantage of the too great frailty of Ministers) was to get credit for directing their policy. I suppose it was, Sir, that as the most influential Jamaica proprietors are Tories, he could by his influence with his party, induce the Assembly to make to him an unavoidable concession, which it had refused to make to the present ministers; and that he should thus have the merit of saving the constitution of the island, and at the same time enforcing a due respect to the authority of the Imperial Parliament. Now, besides not having any wish to further such designs of the right hon. Baronet, for the augmentation of his own credit, I must say, I see no remarkable chance of his success. If, in acting on the Jamaica Assembly, he was acting on the minds of prudent men, or of men whose strongest feelings were on the side of English Toryism, he might have some chance of success. But these

Gentlemen, who have charged on us all the Burking and other crimes of the last twenty years, do not seem to me to be very temperate men, or men whose sense of their own true interests will weaken their excited passions. Nor from our experience of their past conduct, do I perceive that they are at all more inclined to be thwarted by a Tory than by a Liberal minister; for they were just as refractory before the Reform Act as they have been since. Nor is there anything really conciliatory, either to their pride or their interest in the suggestion of the right hon. Baronet. At his hands, as well as at those of the present Government, they will have to swallow the Prisons Act; and the *locus penitentiæ* afforded by his amicable menace, appears to be the opportunity of swallowing the disagreeable mouthful under the compulsion of a very thick stick held over their heads. If they have the spirit of mice, they will, now that they have gone so far, resist. If they do, what will the right hon. Baronet's suggestion have got for us, but another slap on the face? If they do not, if after all their big words, they submit to menace, what shall we gain except the renewal of the dispute on a vagrant law, or a militia law, or the next measure required for the benefit of the negroes, and the consequent necessity of adopting this act, either on temporary grounds, no better than those now put forward, on general principles, which might be acted on with equal force, and far better grace at once? But, Sir, the principle, and what appears to me to be the indisputable reason for preferring the decided course taken by the Government, to the shilly-shally and dubious proposal of the right hon. Baronet is, that the circumstances of Jamaica admit of no delay—of no doubt as to the intention of Parliament at once to establish, in that island, a Government possessed of the vigour necessary for preparing and carrying into effect the measures necessary for completing the emancipation of the negroes. The experiment of emancipation is already in very great peril. I cannot but say, that on reading the papers laid before this House, I see, in spite of the consolatory representations of the stipendiary magistrates, such evidence of a very general indisposition of the negroes to work as hired labourers, as fills me with the greatest misgivings as to the prospect of the continued cultivation of any exportable produce in the island of Jamaica. I cannot but suppose, that there exists among the newly-emancipated negroes a great aversion to work in any capacity for the masters whose slaves they have been, and in the species of labour, of which every operation must be associated in their minds, with the recollections of all the past sufferings of their slavery. I cannot but allow for the strong feeling inherent in all men, but most particularly natural in colonies, that will incline these men rather to provide a rude but plentiful subsistence by the cultivation of small patches of ground for themselves, than to submit to labour, even more lucratively, on the estates of others. I know, that in Jamaica there exists a vast portion of waste but productive, of appropriated but unoccupied, land; and I know how utterly impossible it is, where the disposition exists, to prevent the labourers from dispersing themselves over these wastes, and squatting where they choose. A year's indulgence of such a disposition—which, if it once arise, no law, no force, can check—will for ever put an end to the cultivation of sugar in Jamaica. To prevent such a result from attending your great experiment should be your first and immediate care. This is a danger which brooks no delay; now or never will you make the negro a useful member of civilized society. All depends on the habits which he may form in the outset of his freedom. Much depends on the wisdom and vigour of the local government—still more on the confidence which the negro entertains in its sincerity. Adopt the course of the right hon. Baronet, and you will, during the greater and more important part of this eventful period, leave the negro under a Legislature which he regards as hostile, and which he must regard also as an enemy, paralysed by a suspended sentence of deprivation. You will leave him under the powerless rule of conflicting authorities—of a Legislature, and an Executive in undisguised and unceasing collision. You will leave him under a Legislature which cannot, or will not, repeal the very laws which deter the negro from work. Look at that, for instance, which subjects him whom you call free, to thirty-nine lashes, for whatever a planter-justice may choose to call a breach of contract, or a refusal to work for reasonable wages; and tell me fairly whether you do not think that such a law, administered by magistrates in whom the negroes can have no confidence, is not sufficient to deter every one of them from the folly of entering into any contract with an employer, and to drive them into the forests and mountains, where they will not be subjected to an offer of reasonable wages. I say, that the existence of such a law, and such an administration of justice for a single year, or for the few months during which the Assembly and the Government, would be doomed by the right hon. Baronet, to diplomatise in resolutions and dispatches tardily bandied across the Atlantic, will be sufficient to defeat the ends of emancipation, and destroy the production and civilization of Jamaica; for there is no question in which our national honour is so deeply involved, as in the issue of the great experiment that we have made in the West-India Islands. We have attempted the bold and great enterprise of suddenly converting slaves into free men. Never, under such circumstances, has it been attempted before; nor does history present another instance of a legislative act so daring or so generous. The civilized world looks with anxious interest to the result of this experiment. It is the point on which the future destiny of the African race turns. I know not whether the issue is in our hands—whether we may yet hope that the glory of success is to be added to that pure renown which our country has acquired, by even attempting this great thing. But, great as the glory of success will be the reproach to the nation, if its public men fling away the prize, in the ignoble squabble of parties, or the miserable vacillation of timidity. I, Sir, shall grieve much, and feel sincerely ashamed, if this great work be marred by conservative unwillingness to invest a Government with due authority. But I shall feel yet greater regret if such an opposition shall, on this occasion, be strengthened by the reluctance of liberal men to aid in the destruction of a form of government which, under the semblance of representative institutions, has been contrived and worked for no purpose but that of enabling a petty handful of tyrants to inflict the greatest possible amount of suffering and degradation on the many.

Mr. *Hume* had listened with much attention to all his hon. and learned Friend had been saying, but he confessed he was very much at a loss to know, after all, what he would be at. The hon. and learned Gentleman attributed to him and to his hon. Friends around him, that they were led away by a paltry and delusive juggle; but it did not seem very clear what was the object which the hon. and learned Gentleman himself looked forward to. He went backwards and forwards, attacking this and defending that, but never showing what was his own object, or how it was to be attained; and his propositions were so inconsistent with each other, that he had found it quite impossible to follow him. The hon. and learned Gentleman had laid it down as a maxim, that the oligarchy of Jamaica ought to be put down; yet he was advocating a bill, the effect of which was to suspend their power only. He expressed his desire to secure the freedom of the negroes, yet he did not scruple to hand them over to a governor and a council with whom the people would have no connection. He avowed, that he looked forward with anxiety to the result of the great experiment of emancipation, and with hopes that it might be carried out successfully; yet he was not prepared to commit its practical working to men notoriously unfit for such a charge—men whom the hon. and learned Gentleman himself had described as tyrannical—the Governor and Executive Council of a colony. To put it into their hands, he would take it out of those of the constitutional authorities. He (Mr. Hume) need not, he thought, refer to any more of his hon. and learned Friend's inconsistencies—he had enough. But his hon. and learned Friend seemed to have forgotten the effect of the proceedings of the Committee of 1837. That Committee, with Mr. Fowell Buxton for chairman, distinctly avowed these opinions, that it would be highly improper for those who were called on merely to pass the measure of emancipation, to make beforehand the laws requisite for the after state of the negroes—that it would be better to wait until the wants of the people and their circumstances were known—and that, in fact, there would be no necessity for such legislation until 1840. In compliance, in all probability, with that expressed opinion of the Committee, Lord Glenelg's circular to the Colonial Legislatures recommended them not to trouble themselves with any legislation for the emancipated negroes at that time, but to wait until the year 1840. Against whom, then, was the complaint made? Whose was the fault that such laws had not hitherto been passed? The hon. and learned Gentleman had not pointed out how he would attain his object—he would overturn every thing, yet was not prepared to point out how things were to be done afterwards; and, in the mean time, he would hand over the emancipated negro to the worst tyranny that ever existed in the world—the executive government of a colony! He was very sorry to see those with whom he was accustomed to vote adopting Tory maxims—suspending constitution after constitution, and rendering every thing insecure. It ought not to be forgotten that, if the colonies owed a duty to the parent country, so the parent country owed duties to the colonies. If this system of constant interference was continued, it would be impossible for the colonies to go on. It was the mere mockery of a constitution if they were liable to have their powers suspended whenever any difference of opinion took place, such as had arisen on the present occasion. He entertained no fear whatever as to the working of that constitution. The law, at this moment, placed no distinction between the black man and the white man. Every black man, on acquiring the necessary qualification of 7*l.* freehold per annum, became entitled to vote at elections as well as the white man. If in one year there were 4,000 electors, and in five years 40,000, was it likely the government could long continue an oligarchy? On the other hand, it might be said, that the black would outnumber the white electors. Did the white electors anticipate this? Had they called on Parliament to protect them from such a contingency? He would be prepared to give them any suffrage they wished for—a 40*s.* freehold qualification, or even universal suffrage. If there was any fear of improper influence, he would be ready to extend the suffrage so as to give to the community the power of managing their own affairs—the system of government which he understood his hon. and learned Friend professed to prefer. He entertained scarcely a doubt, that if matters had been and still were allowed to go on in a regular and friendly way, all present difficulties would be put an end to. What was there to fear from the blacks? There was no prospect of employment for them except from the whites. The hon. and learned Gentleman's fear was, that the blacks would be taken from under the control of the whites; but he (Mr. Hume) did not see how this was to be apprehended, when it was borne in mind that through the whites alone could they obtain employment, and rise in the scale of society. The hon. and learned Gentleman was not, he conceived, justified in going back twenty years, and arguing as if the transactions which took place under the old system would continue under the new, when the blacks were free and entitled to all the rights of freedom. That was an unfair argument. And the right hon. Secretary, when he rose to reply to the right hon. Baronet, did not answer any one of the allegations made by him, nor attempt to set aside the authority of the letters he read or the dispatches he quoted. Why, the very despatches up to December, 1837, contained the Government's expression of satisfaction at the conduct of the House of Assembly, and thereupon went out the thanks of Lord Glenelg for the manner in which they had performed their duties in passing the various bills submitted to them. He contended, that her Majesty's Government had made out no case whatever to justify the course they were about to take. On constitutional grounds they were wrong. It was asserted, as affording a justification, that the House of Assembly refused to pass the measures necessary for the welfare of the colony. The preamble of the present bill stated, that the House of Assembly had refused to pass bills unless certain conditions were complied with. This was not true. In the resolution come to by the House of Assembly there was one condition only. They paused until they knew whether or not the British Legislature were resolved to suspend their constitution. They did not think it necessary for them to pass bills until they were informed whether the power of passing them was to be preserved to them. The resolution of the House of Assembly was to the effect, that they were of opinion, that they would best consult their own honour, the interests of their constituents, and the peace and well-being of the colony, by abstaining from all legislation, except what was necessary to preserve inviolate faith with the public creditor, until her Majesty's gracious pleasure be known whether her Jamaica subjects, now happily in a state of freedom, are to have the free exercise of their constitution, or to be treated as a conquered colony, and governed directly by the Crown and British Legislature. Did this make out the case stated in the preamble? On the contrary, all the difficulties would have been avoided, if the Governor of the colony had only thought fit to make the requisite explanations, and had said, that it was not the desire of the British Government to interfere with the ordinary internal affairs of the colony. The resolution from which he had quoted did not arrive until December 10, 1838, and up to the present day, no explanation had been sent out to Jamaica. No explanation had been given, and, therefore, there could be no answer. He, therefore, considered, that the Government had not done their duty by having neglected to meet the reasonable expectations of the colony. They were about to try a most dangerous experiment. He had always expected, that the Government at home would lend their powerful aid to foster a good feeling between the planters and the black population, and was convinced, that the only result which would ensue from persisting in the present bill, and adopting a course so diametrically opposite to every thing like conciliation, would be to irritate and exasperate. He begged to ask her Majesty's Ministers why they had not made this measure general, so as to apply to the whole colonies? His hon. Friend who had just sat down spoke of legislating upon broad and general principles. If the Government had proposed a measure of the same nature which would apply to all the colonies, that would have been legislating upon broad and comprehensive principles; but he could see nothing just or comprehensive in the bill now before the House, which was a measure of punishment, and one of that description to be enforced in the colony of Jamaica alone. He could assure the House that he did not feel satisfied with the position in which they were placed. The measure had assumed a party appearance—it had, in short, become a party question. He regretted that such was the case. But before the right hon. Baronet had given notice of his motion, and so far back as the 27th of last month, he had ventured to express his regret to her Majesty's Government at the course which they appeared inclined to pursue, and stated, it would be impossible for him to give them his support. He should give his vote against the bill with great regret. It might not be said, that he was deserting the party whom he had generally supported. On that point he wished it to be understood, that desirous as he was to support a liberal government, he could not allow himself to be dragged from day to day contrary to his convictions to the support of arbitrary measures of this nature, and the attack of constitutional principles. He was sorry to see so many of his Friends, the general supporters of liberal measures, prepared to follow in this onset upon constitutional rights. He had gone along with several of those hon. Members in opposing a measure of coercion for Ireland. He knew no difference between Ireland and Jamaica in this respect. Both countries were to him the same. He begged the attention of the House to what his course had been on previous occasions. When Earl Grey brought forward his Coercion Act for Ireland, he entreated hon. Members to forbear from assisting that noble Earl's Government in carrying out that tyrannical enactment. He predicted, that it would be attended with the most disastrous consequences, and that it would destroy the Administration of that noble Earl. In the year 1819, he had pursued the same line of conduct in giving his most strenuous opposition to the passing of the Six Acts. When the late bill for the suspension of the constitution in Upper Canada was before the House, he had also refused to listen to the solicitation of his Friends, although many of them were supporters of that tyrannical act. On that occasion he also expressed his apprehensions as to the evil consequences which would ensue. He really did hope, that her Majesty's Government would pause, and give time to parties to re-consider what had been done, so as to admit of explanations. He knew of no proper dignity that could suffer, or be in any degree compromised, by affording an opportunity for reasonable explanation. He would advise them to try all means, to attempt every expedient, before they finally persisted in so extreme a course as that of suspending the constitution of Jamaica. He considered that course, under existing circumstances, to be totally unnecessary, and should most deeply regret the collision which was likely to be brought about from such a course. Its results could not fail to be most disastrous, both to the white and the black population, fraught with evil not only to Jamaica alone, but to all the colonial dependencies. Such certainly would be the consequences if the bill were carried, which, however, he could not believe, for it would be the greatest misfortune if such an unconstitutional measure should succeed. He was sorry to have detained the House so long, but, under the circumstances in which he found himself placed, he could not possibly say less, having made up his mind to oppose the Government bill. He saw no necessity for any such proceeding, nor did he think that the right hon. Baronet would have occasion to propose any bill should he succeed in his opposition on this occasion. Her Majesty's Government had not condescended on any one overt act to justify the bill which they had brought forward. They had dealt in nothing except vague generalities. He asked whether her Majesty's Government were prepared to follow out the means that would be required to be entered upon in the event of their carrying this bill. Were they prepared with a militia act, or a vagrant act? [*Yes, yes!*] Well, then, why had they not taken this step before? Why had they not sent out forms of law for the guidance of the Assembly in those matters? They ought to try the Assembly fairly and not destroy their existence until they had made up their own mind what was to be done after the House of Assembly was set aside. He thought, the bill had been introduced prematurely by her Majesty's Government. They ought to have sent out explanations about the Prisons' Bill, and matters might then have been arranged. At all events, the bill now under consideration was so arbitrary in its nature, and so unnecessary in every way, that he felt himself under the necessity of voting against a measure so averse to liberty, and fraught with danger to every principle of a free constitution.

Sir *George Grey* certainly expected that the House would have been favoured with stronger reasons from the right hon. Gentlemen on the opposite side of the House in support of the course which they had adopted. He thought they should have been favoured with the sentiments of the noble Lord opposite, who was more intimately conversant with colonial affairs than the right hon. Baronet, as the leader on this occasion of the attack which had made upon the bill brought forward by her Majesty's Government, and as the proposer of any substitution that might be offered in its stead; but it appeared that the whole opposition was to rest upon the facts and arguments contained in the speech of the right hon. Baronet, a speech which had disappointed the expectations he had formed. Knowing and admiring as he did—and as every man must who knew the right hon. Baronet—his great and extraordinary talents, his extensive Parliamentary skill and experience—he must say that the speech of the right hon. Baronet had produced a feeling in his mind of surprise and disappointment, which he attributed to his evidently labouring under the pressure of supporting a cause, which, from its weakness, clearly bore him down. He must say, that the right hon. Baronet appeared to him to be grappling with facts which he could not contradict; and that his great effort seemed to be how he could best evade and best manage to conceal them. He did not attribute to the right hon. Baronet any improper concealment—unless this might be called so—that he accused him of not taking his facts as they were detailed in the papers and documents laid on the table of that House, detailing the whole transactions in debate for the last four years. But he had confined himself to a carefully considered selection of those facts, eliciting only a few points of the conduct of the House of Assembly most favourable to their cause, and omitting to notice the most important portion of the evidence which bore against them, and to which he should now feel it his duty to request the attentive consideration of the House. Beginning at the period of 1833, when the great measure of emancipation was passed, he need scarcely remind the House that he was not one of those who blamed the course taken by the noble Lord opposite, nor that he had supported the measure in its passage through the House. He was aware of the difficulties which the Government at that time had to contend with in carrying that act of national justice and generosity, although subsequent experience had caused him deeply to regret that they had intrusted the colonial legislature with the powers necessary for the working of the Emancipation Act, and that they had also confided to them the revision of the various local codes, which required such extensive change and superintendence. But Parliament having passed the Act of Emancipation, declared also that there should be a transition state, and allow the local colonial assemblies to carry out the details necessary for the fulfilment of that enactment. But Parliament had not been able to induce the colonial legislatures, more especially the Assembly of Jamaica, to act up to the confidence which had been thus reposed in them. The right hon. Baronet had alluded to the speech of his late Majesty, in the year 1834, expressing approbation of the conduct of the Legislative Assembly of Jamaica. The Legislative Assembly had then come forward with measures so adequate and satisfactory in support of the act of 1833, that they were found entitled to a share in the compensation-money. After noticing this favourable point in the conduct of the House of Assembly, there the right hon. Baronet stopped. He did not notice that there were considerable defects in that act of the Assembly. He did not blame the Government, of which the noble Lord opposite was a member, for the course they had taken in placing so much reliance upon the disposition of the local Legislature. He trusted that they would have remedied these defects, as they stated they would do in their address to Lord Sligo; and, no doubt, the House of Assembly had so far complied with the expectation of the Home Government by the act which they passed in the following year. But then that act was followed by a subsidiary act, which only lasted for one year, and that year was allowed to expire without the renewal of that subsidiary enactment. Here was to be found the commencement of that want of faith on the part of the Colonial Assembly which characterized all their subsequent proceedings. None of their after conduct was based upon the principle of good faith. There seemed to be a constant endeavour pervading their every act to tax their ingenuity how they could manage to retain as much as possible of the spirit of slavery in all their legislative operations. The right hon. Baronet had passed over altogether the committee of 1836 which went fully into the consideration of the state of colonial legislation and the laws of Jamaica. The noble Lord the Member for Liverpool and the hon. Member for Newark were both Members of that committee; and he hoped he was right in assuming that there was no difference of opinion in the minds of that committee in regard to there being great defects in the enactments of the Colonial Legislature, and the report accordingly recommended that application should be made to the Assembly before appealing to Parliament for a remedy. The report was unanimous. It pointed out the defects. It was laid before the Assembly by the governor, and it was totally and utterly disregarded. This was between the years 1833 and 1837, "the golden age" of the right hon. Baronet, when the colonial Assembly was represented by him to have been free from all blame, and acting with every feeling of honesty and good faith. Again, let the House consider the conduct of the Assembly during the Government of Lord Sligo, who, finding it impossible to induce them to agree to the adoption of the measures recommended in the Government despatches, resigned the Government of the island, and was succeeded by Sir Lionel Smith, who was received in a spirit that seemed to infer that their previous quarrel had been personal with the governor. But that spirit was of short duration; and if the select committee of 1836 had been disregarded, equally so was that the case with regard to the committee of 1837, where the evidence was given by persons who had themselves been resident in Jamaica. The principal evidence taken before the committee in 1837 related to the state of the colonial prisons, and will satisfy any one who chooses to read it, that there had been a total neglect, a complete want of execution of all measures necessary to enforce the gaol regulations. The law was totally useless, and this was the evidence given by witnesses well acquainted with the localities—free from all taint of party and void of all bias. What, then, could be done to remedy these evils? The public mind became excited. A bill was brought in making the apprenticeship what it always was intended to have been. The bill passed unanimously—the only difficulty felt about it was, that it did not go far enough, and the only amendment moved was one to render its provisions more stringent. He wished to remind the House, and especially the right hon. Baronet, of the opinions which had been delivered by the right hon. Member for Ripon on the 30th of March of last year. He wished to call attention to these opinions, because credit had now been claimed on the part of the House of Assembly:—

> "The question for me to consider, said the right hon. Member for Ripon, is whether any case has yet arisen in which the House has at present a right to interfere. On that I believe there can be no doubt. For my own part I know of no instance in history in which there has ever been so audacious a breaking in upon the expressed intentions, declarations, and enactments, of the legislature as there has been here."

In speaking of those provisions of the bill then before the House, which related to prison discipline, the right hon. Member said that "in his opinion a very strong case had been made out against Jamaica."

He then quoted and adopted a statement in Lord Sligo's pamphlet,

> "That the flogging of females had been carried on to an extent that is astonishing; that no notice has been taken of that inhuman practice by the colonial Assembly except by appointing a committee to examine into its existence; but that, nevertheless, there cannot be the slightest doubt that this abuse exists in every workhouse in Jamaica."

The House might see in this what were the right hon. Member's opinions with respect to prison discipline, and what was his opinion as to the conduct of the Assembly. The papers on the table of the House showed that this was no recent case. The House of Assembly did not deny the existence of the abuses, but what had they done to remedy them? The House had declared, on a former occasion, its wish that every vestige of slavery should expire. Apprenticeship had now expired, but he now asked them if all the vestiges of slavery had expired? What means, he asked, were proposed by the right hon. Baronet to hasten its termination? Would the right hon. Baronet give a remedy for the evils that existed? In referring to this subject he wished to quote the opinions on the other side. He wished now to state the opinions of the Duke of Wellington as delivered in the other House of Parliament:—

> "It appears to be beyond a doubt, said his Grace, that the colonial legislatures have not carried the new system into execution as they ought to have done; and some two or three years ago your Lordships were under the necessity of consenting to a bill rendered necessary in consequence of the legislature of Jamaica having refused, under not very creditable circumstances, to enact a law which it had positively promised to pass. Under these circumstances, considering that we are now approaching to within a couple of years of the period when a new state of society is to be established in all the British possessions where slavery has existed, I must say I think Parliament ought not to hesitate about adopting some measure of the description now proposed, for the purpose of carrying into full and complete execution the object which the Imperial Legislature had in view when the Emancipation Act was passed. It appears to me that if the legislature of the colonies had acted as sensible men ought to have done in the circumstances in which they were placed four years ago, they would have had before them, and the British Parliament would have had before it, a very different prospect from that which I fear exists at the present moment."

The noble Duke had in this referred to a particular promise—there had been no particular promise, but there was the obligation of honour, which ought to have been fulfilled, and therefore the Duke of Wellington was justified in regarding it as a promise. Such was the opinion of the Duke of Wellington upon this subject—such was the opinion entertained by both Houses of Parliament. No one had dissented from them—all seemingly agreed in them, and now let them be contrasted with the opinions of the right hon. Baronet, and with that conduct of the Assembly which he said was fatal to the progress of this bill. He wished next to refer them to the following dispatch from Lord Glenelg:—

> "I cannot dismiss from consideration the specific cases now before me, without taking this opportunity of recording, that it has not been for want of repeated efforts on the part of her Majesty's Government to obtain an amendment of the law, that it has been found, down to the date of these cases, to be still unavailable for the correction of such abuse as those which form the subject of this correspondence.
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> "In my despatch, No. 84, of the 29th of August, 1835, I urged an amendment of the law, by which the ill treatment of women in gaols might be prevented.
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> "In my despatch, No. 125, of the 15th of October, 1835, I desired that the Assembly should be reminded of the pressing importance of enactments to secure the attendance of the children of apprentices at schools.
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> "In my despatch, No. 257, of the 24th of April, 1836, I seconded the wishes of the Marquess of Sligo for laws to restrain cruelty in hospitals, and to authorize the inspection of them by special justices at all hours. A committee of the Assembly alleged, it is true, that the right to inspect was not disputed; but I find by the despatches now before me, that the attendance and proper treatment of the sick is not yet secured by law, although defects of the law on this head were pointed to by Lord Stanley, at the very beginning of the apprenticeship, in his despatch of the 20th of February, 1834, No. 3.
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> "In my despatch, No. 285, of the 14th of June, 1836, I desired that the Assembly should be applied to for a law to restrain the powers of officers in workhouses to the infliction of such punishments only as should have been authorised in writing by a magistrate.
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> "In my dispatch, No. 303, of the 28th of June, 1836, I directed application to be made to the Assembly for a law to prevent the flogging of women on the treadmill.
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> "In my despatches, Nos. 87 and 103, of the 29th of April and 10th of June, 1837, I had to regret the refusal of the Assembly to entertain the various proposals which you had brought before them, for supplying deficiencies

in the Abolition Act, and for the obtaining uniformity in the distribution of the hours of labour; and in my despatch, No. 176, of the 31st of last month, I was under the necessity of issuing such instructions as had become necessary, in consequence of the Assembly having failed to adopt the recommendation of the committee of the House of Commons in the Session of 1836, respecting amendments in the law which governs the valuation of apprentices for the purchase of their discharge.

"In my despatch, No. 99, of the 25th May of this year, I desired that the Assembly should be called on to exempt the apprentices from the operation of certain enactments respecting vagrants. I have yet to learn whether this application has shared the fate of those previously enumerated.

"It is with serious regret and concern that I have found myself under the necessity of reverting thus specifically to a succession of ineffectual attempts to obtain requisite amendments of the law in Jamaica; but the continual recurrence of abuses, to the prevention of which many of those attempts were directed, imperatively requires that I should discharge myself of the responsibility which would attach to me, if I did not once more convey through you to the Assembly of Jamaica, an earnest exhortation that they will not allow the period of apprenticeship to expire without any thing being effectually done, by their own intervention, to mitigate grievances, which, while they must exasperate the minds of the apprentices, cannot fail to be attended with serious injury to the future interests of their employers.

"I have, &c.
(Signed) "GLENELG."

Such were the series of recommendations that were given by Lord Glenelg on the 15th November, 1837. It was under these circumstances that the opinions of the right hon. Member for Ripon and the Duke of Wellington had been delivered, and that the despatch of Lord Glenelg had been written, and they all concurred in the opinion that there was a necessity for the Imperial Legislature to interfere. Their opinions were uncontroverted by any Member of that House; they were fully concurred in by all. Consistently with those views, the act was passed which was regarded as a grievous invasion of the rights of the local legislature. It was then stated by the right hon. Baronet, that the course pursued by Sir Lionel Smith towards the House of Assembly, had been the great cause of the disturbances that had taken place there. He said that it was attributable to no such cause, and that the assertions of the right hon. Baronet in that respect were not borne out by the correspondence before the House. From that correspondence it appeared, that Sir Lionel Smith had told the Assembly of Jamaica that the apprenticeship system having been abolished in other colonies, it was impossible that it should be kept up in Jamaica, for it was impossible to shut out from the negroes what was occurring in the other colonies. It was impossible to shut out from them what had been done in their favour by the great body of the people of this country, and he was only discharging his duty faithfully, by pointing out to the Legislature of Jamaica the impossibility of maintaining the apprenticeship with any hopes of success. The language used by Sir Lionel Smith on that occasion was only a repetition of what had been said by the noble Lord, the Member for Lincolnshire, in 1833, when opposing a proposition brought forward by Lord Ashburton, then Member for Essex. The words of his noble Friend were these:—

> "If there be a course of haste and rashness which would render insurrection in the colonies inevitable, it is that which would set the slaves of Demerara, Trinidad, or Berbice free, and at the same time leave those of Jamaica and the other colonies to continue five or six years in a state of unmitigated slavery. It would be impossible for all the power of this country to introduce freedom into any one of those small islands and to continue slavery in Jamaica."

In that declaration, too, he fully concurred. What did the House of Assembly of Jamaica say in their Address to the Crown? They humbly declared to her Majesty, that, in consequence of an act which had recently been passed by the Parliament of Great Britain and Ireland, wherein they were no ways represented, they had been constrained to abandon the apprenticeship system, and grant unqualified freedom to the negroes. He admitted, with the right hon. Baronet, that they passed the Emancipation Act, not through love, but from an irreconcilable aversion to the stringent restrictions of the Apprenticeship Act, and they considered that, subject to these restrictions, the apprenticeship was not worth having. In order to put an end to that super-legislation, they abolished the apprenticeship, and they did it avowedly on the ground that Parliament should not farther interfere with them, but leave them to make such laws as they thought themselves justified in making, although it was admitted on all hands that they did not represent the great body of the people, but constituted, as the hon. Member for Liskeard said, a very small oligarchy, and one of the worst possible description. The terms of the protest accompanying that address had been alluded to, and they had been frequently stigmatized on all hands as indecorous, and conceived in the worst possible spirit which could influence a legislature against whom such serious charges had been made. It was important to bear in mind the language used in that protest, not that he would call upon the House to legislate upon language used in moments of irritation, but, in consequence of the spirit by which the Assembly was actuated, it was most important to weigh deliberately what that spirit was. He confessed, under those circumstances, he scarcely understood in what way the right hon. Baronet's proposition could be effectual. There was a resolution on the journals of the House which ran thus .—

> " That the anxious attention of this House will be directed to the state and condition of the negro population when the expiration of the term of apprenticeship shall have entitled them to the full enjoyment of entire freedom."

That resolution required superintendence on the part of that House; but against that superintendence the House of Assembly remonstrated most distinctly, and in language the most improper and most unjustifiable. To that remonstrance the right hon. Baronet proposed to return an answer that, having passed such a resolution, the House of Commons in order to get over the temporary difficulty, was content that the resolution should remain at present a dead letter on its books. Notwithstanding the pledge the House had given to the emancipated population of Jamaica, it was still to leave them subject to the oppressive and partial code which for so many years had existed in Jamaica, and was not to interpose its authority in any way to secure to that population those rights which it solemnly pledged itself to secure to them. He should like to know in what way this plan will be effectual; if he understood the right hon. Baronet's proposition rightly, it was, that the Assembly, having objected to the prisons bill —having demanded the suspension or repeal of that bill—having abolished the apprenticeship, he proposed in the first place, seeing the state of irritation in which the House of Assembly were when they drew up their protest, to put a distinct negative upon it. He next said, that he was prepared to assert the right and authority of Parliament to interfere for the protection of the emancipated population. He next proposed to afford the House of Assembly an opportunity of repeating the offence of which we complain, by restoring the constitution and privileges of the House of Assembly, and he next proposed to accompany this with a message, the terms of which he did not state to the House, with a distinct threat that if they did not rescind the resolution which they had now deliberately recorded and transmitted to this country—if they did not recede from that resolution; he was prepared to concur in passing a measure which would deprive the House of Assembly for a time of its legal functions. He thought it was improbable, looking at the state of irritation in which the Assembly was when it framed that protest—he thought it unlikely that the conciliatory course proposed by the right hon. Baronet would convert the hostile attitude in which the Assembly had placed itself, into a willing and cordial co-operation in measures which it was admitted on all hands were necessary, in order to secure the rights, not alone of the negroes, but of the landed proprietors of Jamaica. In a dispatch, dated the 15th of December, 1838, from Lord Glenelg to the Governor of Jamaica, it was distinctly stated, that the abolition of the apprenticeship at an earlier period had rendered the enactment of new laws a subject of immediate and urgent importance—allusion was made in that dispatch to the omission during four years of any attempt to pass these laws, and allusion was also made to the recommendation of the committee of 1836. It was also regretted in that dispatch that so much time had been so unhappily spent in the unfortunate dissensions between the Government and the colonial legislature. It pointed out the defects in the law that had been passed, and pointed out new laws to be framed in a spirit calculated to meet the new state of society in the colony. Did the House of Assembly act upon that recommendation? By no means. Their efforts were directed to keep the power they previously had still in their hands at the expiration of the apprenticeship, and their first measure was to increase the franchise from 10*l.* to 30*l.* Next when that act was disallowed, as it could not fail to be, they increased the franchise from 10*l.* currency to 10*l.* sterling, being an addition of one-third, and that also was disallowed, their legislation being pronounced oppressive and defective. At the close of 1837, Lord Glenelg addressed a circular to the Government of the West-India colonies, requesting information as to what laws it was desirable should be repealed, or enacted, or modified, in order to meet the change of the condition of the negro population from compulsory to free labours. The answers received were defective, yet they enabled his Lordship to come to some general conclusions. They showed that the old slave laws materially influenced the new state of society—that many enactments must be modified or entirely changed; and that those laws which worked very well during the existence of slavery were no longer compatible with the state of society. Sir, were not these paramount objects for consideration? Ought not those laws to be repealed which produced heartburnings and ill feelings, and a stagnation in the commercial affairs of the colonies? And should there not be passed instead, equitable laws to rule in a fair spirit for the entire population, not only for the negro population, but for the interests of the proprietors themselves? He asked whether the amendment of the right hon. Baronet touched in the slightest degree those paramount objects? Petitions had been presented against the suspension of the constitution of Jamaica; and although the number of signatures to those petitions, according to the report of the committee on petitions, amounted in the whole, including that of Mr. Burge, to 256, still he would take the number at 500, on the statement of the hon. Member for Kidderminster, as he was about to quote the authority of the petitioners to show how little could be expected from the course proposed by the right hon. Baronet. They did not entertain any hope that if the course proposed by him were adopted, and the prisons act adhered to, that the Assembly would become more willing to carry out the policy of the Imperial Legislature. But they said, in a resolution at the meeting from which one of the petitions emanated,

> "That this meeting sees no reason to doubt that the House of Assembly of Jamaica, relieved from all the difficulties and anomalies incidental to legislation during a state of slavery or apprenticeship, will, if the prisons act which was promulgated in so unprecedented a manner be suspended, proceed to legislate on the principle that all the people of Jamaica are free inhabitants of a free country, entitled to enjoy the benefits of the British constitution."

Such was the opinion of these petitioners, and Mr. Burge, the agent for Jamaica, representing the opinions of the House of Assembly, told them that the Assembly would legislate in a right and proper spirit upon the suspension of the objectionable bill. But neither the agent nor the petitioners pretended to support the proposition of the right hon. Baronet, that if they adhered to the Prisons Act, the Assembly would proceed to legislate in that spirit. They would not, perhaps, be guilty of the suicidal act of adhering to the resolution which they had transmitted. It might be doubtful what precise course they would pursue; but looking at the spirit which had hitherto animated them, as evinced by the details in the documents before the House, it was not difficult to foresee that they would legislate in no very cordial spirit of co-operation, but they would make the very least advances they could, just enough to put them in a condition to induce the House not to go the length of the bill now before it. The authority of Mr. Canning had been quoted in favour of the plan of delay. But what had been the result of Mr. Canning's policy? Mr. Canning argued strongly against Mr. Buxton, and in favour of giving a *locus penitentiæ* to the Assembly. He had taken precisely the course which was now recommended, and what was the consequence? He would read a short extract from the speech of one whose words were on every account entitled to much respect, referring to the course adopted by Mr. Canning. They were the words of his noble Friend opposite on introducing the bill of 1833. The noble Lord said:—

> "In the discussion of this question, Mr. Canning, dissatisfied as he was with the result of the measures of 1823 and 1824, did not adopt a harsh tone—he did not call upon Parliament immediately to adopt such measures as would bring the contumacious opposition of the colonial legislatures to the test. On the contrary, he begged for time, for a respite as he called it, to allow the colonies to reconsider their refusal, and to call to mind the position in which they were placing themselves with respect to this country by their constant interposition between the wishes of the legislature here, and the well being of the

population whose condition had become a matter of so much interest at home."

The noble Lord went on to state the result of this forbearance.

"This took place in 1826—I am now addressing Parliament in 1833, and up to this hour neither the voice of friendly expostulation nor of authority has produced the desired effect. Undoubtedly some of the colonies have gone through the form of carrying the outline of the shadow of some of the bills into effect, but all have studiously avoided the substance."

Precisely the same results would follow from the adoption of a similar course now. The hon. Member for Kilkenny referred to various papers—to bills that were sent to the House of Assembly—and to Orders in Council that were transmitted to them, in order to form the basis of their measures. But the Assembly had, it appears from these authorities, always endeavoured, as before, to frame measures according to the shadow, but avoiding the substance of the wishes and recommendations of the Imperial Legislature. Was the course proposed by the right hon. Baronet consistent with the resolution of the House last year? Was it a proper course, in this, which was not a party question, but in which the interests of all are involved —a course that would aggravate hostile feelings—that would increase irritation, by continuing the Assembly, and that would perpetuate those bad laws respecting vagrancy, which were enacted under the reigns of George 2nd and George 3rd? Could any satisfactory result issue from that course? He was aware that it had been stated as an argument against this bill that a similar course might be pursued with regard to the colonies. He did not believe that any other colony had acted in opposition to the wishes of the Legislature to anything like the same extent as Jamaica — which ought to have set the example of obedience to the wishes of the Imperial Legislature—Jamaica, which had been the first to pass a legislative enactment for the abolition of slavery, which had been denominated adequate and satisfactory—which had consequently been the first to receive the compensation money—but which, from the moment that money had been received, had been the last to adopt any measures rendered necessary by the altered state of society. Was the House prepared to state that there existed no necessity at the present moment for more active legislative measures than those proposed by the right hon. Baronet? He should be glad to hear one who could assert that he could point out measures calculated to meet this emergency—short of the present bill; and he found the reasons for the necessity of this measure in the conduct pursued by the House of Assembly of Jamaica in 1833—in the conduct pursued by them again in 1836, and in the whole course of conduct pursued and the determination manifested by the Legislature of Jamaica from the year 1833 to the present moment. Was it possible, considering all these circumstances, that any Gentleman could believe, that the House of Assembly would, if the course proposed by the right hon. Gentleman be adopted, repent them of their bad courses, and pursue a better line of conduct, become truly and properly penitent, and cease to do evil, and learn to do well, and discharge faithfully those duties which devolved on the Colonial Legislature. It therefore became the duty of the Government to find an adequate remedy for the existing evils, and he was of opinion, that no plan short of the one proposed could by any possibility be attended with advantage. He could not avoid noticing the total inapplicability of the speech of the right hon. Baronet, in that part of it in which he quoted the opinion of Burke relative to the interference of the Imperial Parliament with the American colonies. The Houses of Assembly of these colonies were really popular representative Assemblies, but such was not the case with regard to Jamaica. The House of Assembly of that colony was the least popular of any House of Representatives, representing only a small fraction of the population; but he trusted that at the expiration of this Act the Assembly of that island would be found to be a really popular Assembly, fitted for the discharge of those important duties which will devolve upon them, fitted for maintaining peace between conflicting races, one struggling for the maintenance of the ancient laws, and the other struggling for the acquisition of their natural rights. It was necessary that arrangements should be made for the purpose of averting dangers which might be fatal to the colony, for securing to it uninterrupted peace and happiness. It would be the duty of the Government to provide for this emergency during the short period which it was proposed to suspend the existing constitution, which was not a popular representation, but the representation of a minute fraction of the people; and when the Assembly should resume its functions under more auspicious circumstances, far from those heats and animosities which were not likely to be softened at present, he trusted that they would enact measures more calculated to ensure substantial justice than they had hitherto done. He had intended to justify the conduct of the Government with regard to the Prisons' Act, but the right hon. Baronet did not make that a subject of attack on the Government. He understood the right hon. Baronet to admit that the conduct of Ministers, respecting that measure, was not worthy of censure, therefore he did not feel called upon to say anything more on that head. The hon. Member for Kilkenny had not said anything respecting that question, any more than the right hon. Baronet. The hon. Member for Wigan and the hon. Member for Liskeard subsequently addressed the House, and when the hon. Member for Liskeard sat down, several hon. Members rose on this side of the House—some of them perhaps opponents of the bill; but as the House seemed anxious that he should speak, he rose thus early in the debate. He understood that no attack had been made on the conduct pursued by the Government with respect to the Prisons' Bill.—[*"Hear, Hear!"*] Well, then, with regard to this Prisons' Act, if he must advert to it, it was necessary he should recall to the House that several accusations had been made by Lord Sligo against the House of Assembly on account of their reluctance to legislate for the reformation of the abuses of the prison system, about the time the representations of Mr. Sturge were laid before the public, and it was deemed advisable to send out Captain Pringle to examine into the matter. Although that gentleman did not witness the horrors described by Mr. Sturge, which it was very unlikely, under the circumstances, that he would, yet he reported such a state of things as demanded immediate legislative interference to supply a remedy, and in consequence of the repeated failure of attempts to induce the local government to pass the necessary enactments, it became necessary for the Imperial Legislature to make the necessary alterations. He would just read to the House one extract from Captain Pringle's Report. The hon. Baronet read as follows:—

"The local magistrates form from their body a gaol committee, to inspect and make regulations; but the power and management are almost entirely left to the deputy provost marshal. The emoluments of the deputy provost marshals are chiefly derived from fees. Their salaries as gaolers vary from 100*l.* to 180*l.*, currency, but this is often paid by them to their assistant, or resident gaoler. The salary of their under gaoler varies from 50*l.* to 100*l*, but for their salaries they have generally to execute other duties mentioned hereafter. Under them are boatswains, who are almost all either free or apprenticed negroes; they are paid 10*s.* to 15*s.* a-week. In a few instances, prisoners who are convicts for life are employed as boatswains. The other duties that devolve on deputy marshals are the serving of writs, summonses, and warrants, on which duties they frequently employ their under-gaoler, so that the gaols are often left for several days in charge of a boatswain, who, in some places, as at St. Ann's and Montego bay, is a convict for life. Classification is only practised to the extent of locking up the sexes at night in different rooms, excepting at Spanish Town and Kingston, where the debtors have a separate yard, but the general practice is, that all classes convicted and untried, males, females, and debtors, have almost unrestricted intercourse with each other."

In the House of Correction, Captain Pringle stated:—

"In several instances, the boatswains of the yard and of the penal gang are themselves convicts, some for life. The superiors are generally men who have been planters or in business, and failed, and receive their appointments as a new resource. To several of the houses of correction, a matron is attached—the salary from 20*l.* to 40*l.* a year. She is generally the wife of the supervisor, and above the duties of such a situation, or an old woman who professes nothing more than to act as nurse to the sick. I found but two instances in which the rule, that females should be looked after by females only is observed. The locking up and opening of the women's rooms and even of the women's solitary cells, is generally confided to a boatswain." "Prisoners on being brought into houses of correction, are immediately put in couples, by an iron collar round the neck of each, connected by a chain six feet long, and from three to four pounds weight, but men and women are chained separately, and in this manner they are sent to work on the public roads, men and women in the same gang, under the boatswain. The supervisor, or sometimes the boatswain, chains such prisoners together as he chooses, commonly two of unequal strength, to allow less chance of escape. I have thus sometimes found a convict for life, chained to a boy on his first committal to prison, and in the same manner girls to old offenders."

With regard to the treadmills, he says:—

"At Kingston, where cats were regularly hung up under the wheel, and at the former place, the supervisor admitted, that it was used by his authority, when the prisoners would not step properly. The supervisor and the keeper of Kingston prevented my examining the prisoners themselves. At Vere, though stated not to be used, a case had occurred very lately, when it was applied pretty severely. Almost all the houses of correction and gaols have rooms with bilboe rods, and it is certainly a most efficient contrivance for the purpose of security. A strong iron bar extends along the length of the room, and generally through a hole in the wall, so that it can be locked in a different room from that occupied by the prisoners. Shackles fitting the leg above the ancle run upon this bar; the bar is carried along the bottom of the bench, forming the bed about four inches above it. A whole row of prisoners, can, therefore, be secured upon it, almost without a possibility of effecting their escape. In the lockups of Brownstown and Annatta Bay, prisoners are placed in these bilboes for security; this was also done in some cases at St. Elizabeth's and Port Maria. At Clarendon, and St. Ann's Bay, the convicted prisoners were every night placed in them. At the latter, the supervisor, by whom the keys are kept, and his assistant both lived at some distance from the prison, so that the yard was left at night in charge of a boatswain, who is a convict for life. One of the rooms in this prison in which prisoners were put in the bilboes, was little more than six feet wide—therefore only just sufficient for the bench on which they slept, with but few inches to spare."

He need not trouble the House with any more of the barbarities committed in the Houses of Correction in Jamaica—they were admitted. It was admitted, that nothing could be more disgraceful than the prisons in Jamaica. Looking at the total failure of every measure upon the subject of prisons which was sent to the Assembly — not suggesting a new prison bill, but merely an amendment of the old one — Lord Glenelg pressingly pointed out various amendments which were imperatively necessary in order to remedy the abuses which existed. The remedy was refused; he must say, not graciously, but in the most ungracious manner, and all remedy of abuses was refused; not one proposition would they listen to. The Government, therefore, having received the report of Captain Pringle in July, lost not a day in submitting to Parliament a bill to carry out a better system of imprisonment; it was a remedy we had frequently demanded from the Assembly of Jamaica; it was always refused, and the Government felt themselves bound to attempt to put an end to the tyranny and cruelties exercised in the Houses of Correction in Jamaica. It was said, whether truly or not, he did not know, that that bill was introduced on the very day we received information of the House of Assembly having passed the bill for abolishing the apprenticeship. Such a coincidence might have happened, but the two circumstances had no other connection with one another. It is well known, that the Assembly passed that bill not out of a spirit of justice or mercy, but in order to escape from the necessary severe restrictions of the emancipation amendment bill. However that might be, it was impossible to delay any longer, and accordingly, the Government introduced their bill for effectually putting an end to the horrors of the prisons, and that measure it was admitted, was one by which the Parliament ought to abide. The right hon. Baronet complains of the manner in which the prison bill was communicated to the Assembly; but he must have forgotten, that the Assembly was not in session, except for one day, when they received the speech, and he knew no instance where a bill of any kind was ever communicated in the speech of the Governor, it was always done by subsequently sending down a message, and so it was in Barbadoes. The Assembly was in session at the time, it was communicated by a message. The people of Barbadoes did not see, that the proceedings of the Imperial Parliament were any invasion of their rights. They received the message from the Governor with approbation, and, by a unanimous vote of the House of Assembly, they passed an act giving increased effect to the measure of the Imperial Parliament. They had shown a spirit of such good will and conciliation, that it would be most unjust and indefensible now to invade their privileges. They had done their best to co-operate with the home Government to secure to the negro population the rights which the Imperial Parliament had declared they should enjoy. The contrast of the conduct of Barbadoes with that of the House of Assembly of Jamaica was relief pleasant to the eye. The right hon. Baronet says, if this was a general measure, he could then have understood it. But we have no reason to suppose there will be anything like contumacious opposition to those laws in the other colonies. In Jamaica there has been a distinct refusal, accompanied with a feeling and a spirit for a series of years, which, he confessed, gave him no reasonable hope that they could overcome that opposition, or that the House of Assembly would accede to the wishes of the British Parliament. He hoped the House, therefore, would seriously consider the results and the effects of the vote they might come to on the present occasion. The right hon. Baronet may be desirous of rallying his forces after his recent defeat. The right hon. Baronet might have hoped that under the guise of respect for constitutional privileges and representative Government, quoting the authority of Burke as applicable to a wholly different state of things—he might think he would get votes from the Ministerial ranks, and by diminishing their majority swell his own recent minority; but he asked the House to discourage any such attempts to make the interests of our colonies, and especially the interests of the emancipated population, that have a peculiar claim on its protection, he asked the House, and he hoped they would discourage any attempt to make those interests subservient to party purposes. He hoped the House would look at this question with reference to its own merits alone. If the House really conceived that the plan proposed by the right hon. Baronet, the Member for Tamworth, would succeed—if they thought that the House of Assembly of Jamaica would attend to the threat of the right hon. Baronet that he would, unless they resumed their functions and passed the Prisons Bill, agree in 1840 to a resolution similar to the present; if the House really felt that the course proposed by the right hon. Baronet would convert the House of Assembly into willing agents in carrying out the generous spirit, and he would add, the determined resolution of the people of this country that the negro population should be protected by fair and impartial laws, and that those measures which ground down and retarded the prosperity of the colony would be abrogated; if they believed, in opposition to those connected with the West Indies, whose opinions he had quoted, that such would be the result, and that when they met next year, Government would only have the pleasing duty of laying before them a series of acts passed by the Legislature of Jamaica, such as would win golden opinions on every side, and extort that meed of approbation which, on their past conduct, would have been most unjustly bestowed; if they believed all this, let them follow the course proposed by the right hon. Baronet; but if, on the other hand, they thought this prospect hopeless—if they were unable to indulge in those pleasing illusions—if they thought that the House of Assembly would not be induced to depart from their resolution, or at most would only pass the shadow of some of those acts which were imperatively required to give due effect to the Emancipation Act—if they thought that the interference of the Imperial Parliament was necessary to carry out their own act—why then he called upon them to adopt the present measure, which, in his opinion, was the only decisive, the only effectual, and the only adequate, remedy that could be adopted.

Debate adjourned.

HOUSE OF LORDS,

Monday, May 6, 1839.

MINUTES.] Bills. Read a first time:—Charities in England and Wales; Durham Court of Pleas; Exchequer Bills.—Read a third time:—Designs Copyright; Designs Copyright Extension.

Petitions presented. By the Duke of RUTLAND, the Earls of DEVON, CAWDOR, ROSEBERY, and WINCHILSEA, and Lords ROLLE, PORTMAN, and REDESDALE, from a number of places, for a Uniform Penny Postage.—By Lord SKELMERSDALE, from Badiham, against the Beer Bill; and from another place, for Amending the New Poor-law Act.—By Lord KENYON, from Denbigh, against the Union of the Sees of Bangor and St. Asaph's; and from a place in Lancashire, against the Government plan of Education.—By Viscount ST. VINCENT, from the Island of Grenada, for Increasing the hitherto inadequate remuneration for Negro Labour.

GOVERNMENT OF IRELAND.] The Earl of *Winchilsea* said, he should take the liberty of asking a question of his noble Friend the chairman of the committee, for inquiring into the state of Ireland as to the cause of crime. He wished to know whether, that committee was likely to make any report to the House on that subject shortly? and he asked that question because he was anxious, that the committee should not report at a very late period. He was desirous, that a report should be made as speedily as possible, because he was convinced, that the statements made before that committee, and the opinion which that committee must arrive at, were such as would justify the majority of that House in the decision which they had come to, and would satisfy the most incredulous, that that part of the empire was in a dreadful state—in such a state as required the most vigilant and persevering attention. He thought it would appear, that her Majesty's Government had not only neglected, but had actually deserted, the duty which had been imposed on them. Of this he was well assured, that whatever the feelings of noble Lords connected with the Government might be, a majority of that House would continue fearlessly to do its duty, notwithstanding the threats that had been thrown out, and the undue and unconstitutional exercise of the Royal prerogative, for the purpose of overawing that branch of the Legislature.

Lord *Wharncliffe* said, the committee was anxious to bring the inquiry to a conclusion, and to report as soon as possible. He should be the very first person to propose, that they should report when the proper time arrived. It was a question with the committee whether they should make a partial report—that was, a report on one portion of the subject, or whether they should wait till the whole inquiry was concluded. They had not as yet come to a decision.

Lord *Brougham* inquired, as we understood, whether there would be any objection to place Lord Ashburton on the committee?

Lord *Wharncliffe* said, that under existing circumstances, especially the secession from the committee of several noble Lords who sat on the other side of the House, he should much rather that no additional Member was named from that (the Opposition) side of the House. Considering the number of Members who had seceded from the committee, he confessed, that he would much rather, that no noble Lord from that (the Opposition) side of the House should be forced forward on the committee. There were abundance of Peers attending on the committee at present; and, without meaning anything discourteous to his noble and learned Friend, he could not accede to his proposition.

Lord *Hatherton* observed, that there would appear less necessity for the addition of any noble Lords opposite to the committee in question when he stated the fact, that on the very last day on which it sat, of the seventeen present, he (Lord Hatherton) was the only Member from that (the Ministerial) side of the House.

Lord *Brougham.* Save me from my friends.

Lord *Wharncliffe* felt persuaded, that noble Lords opposite would yet find it necessary, even at that late period, to make some addition from their side of the House, of Members who would attend throughout the proceedings.

CANADA—ADDRESS TO THE CROWN.] Viscount *Melbourne* moved, that her Majesty's message be read.

The message having been read by the clerk and by the Lord Chancellor, [See Ante.]

Viscount *Melbourne* rose and said: My Lords, notwithstanding the very great and paramount importance of the subject which has been brought under your Lordships' consideration by her Majesty's gracious message, notwithstanding its great magnitude and its vast importance, and notwithstanding the convictions which I apprehend, we all feel of the necessity of prompt and decided legislation on this subject, yet, my Lords, I do not think it necessary, or consider myself called upon to detain your Lordships by any lengthened observations, or take up your Lordships' time for any long period on the present occasion. It has appeared, unquestionably, that all the circumstances of the great importance of the subject to which I have adverted, have impressed upon her Majesty's servants the necessity of bringing it under your Lordships' consideration in the most solemn and formal manner, by a message from the Throne. During the last Session of Parliament, when the measures which we were about to introduce were confessedly not to be permanent, but of a transient, temporary, and occasional nature, and such as were necessary to meet the peculiar circumstances of the case, the noble Duke opposite, I remember, thought we were subject to censure, that we were guilty of an omission of our duty in not bringing down a message on that occasion, and under such circumstances. Whether that were so or not, whether the noble Duke were right or not in that censure, it is not necessary for me now to inquire; but I think your Lordships will necessarily feel, that now, when it is our intention to propose measures with the object, and, I trust, with the effect, of settling the affairs of Canada on a permanent, durable, and stable foundation—there can be no doubt that it is our duty to introduce those measures to the consideration of Parliament, with all the solemnity which it is possible for us to give to them. My Lords, the message from the Throne only submits the subject to your Lordships' consideration. It points to your Lordships the principle of the measure intended to be submitted to Parliament—namely, the principle of a union, for the purposes of legislation, of those two provinces in that part of her Majesty's dominions which were divided by the act of 1791. But, although it points out to your Lordships, that such is the principle of the intended measure, yet, neither upon that principle of a union, nor upon any other part of the question, is it my intention to call upon your Lordships, at the present moment, to pronounce a decided opinion, or require from you anything in the slightest degree resembling a pledge. I will leave that to future discussion and future consideration, and simply content myself on the present occasion with moving an address to her Majesty, to thank her Majesty for the gracious message from the Throne, and to declare your Lordships' readiness to take into consideration those measures which shall be submitted to you. As it is not my intention to enter into the details of these measures, on the present occasion, or to enter into a consideration of any of the various documents which have been submitted to you, I trust your Lordships will think that I best discharge my duty in not going further into the discussion of the general question, or of any part of it. I shall, therefore, content myself with moving, "That an humble Address be presented, to return her Majesty the Thanks of this House, for her Majesty's gracious message relative to the provinces of Lower and Upper Canada, and to assure her Majesty, that we will not fail to take into our most serious consideration, the subject recommended to our attention by her Majesty, and that this House be desirous of concurring in all such measures as may best tend to promote those salutary objects which her Majesty has in view."

The Duke of *Wellington* said, that it did not appear to him to be necessary that he should enter into any discussion upon what passed on a former occasion, when this subject was under discussion, in the course of the last Session of Parliament. Upon the Address just read, and upon the proposition made to their Lordships by the noble Viscount, that they should agree to that Address, in answer to her Majesty's most gracious message sent to that House on its last day of meeting, he thought that no proposition could be more reasonable than that made to their Lordships by the noble Viscount. The noble Viscount had refrained, both in his speech and in the wording of his motion, from pledging their lordships to any specific plan on this important subject. The noble Viscount had most judiciously avoided referring to other matters connected with this subject, with the various documents which they had before them. With their Lordships' permission, he (the Duke of Wellington) would follow the noble Viscount's example, and refrain from adverting to the subject, or the topics connected with it, on the present occasion, being desirous that their Lordships should carry to the foot of the throne, unanimously, the assurance contained in this Address, of their willingness to take the subject into consideration, and of their wish, that they might be enabled to approve of the measures to be submitted to them.

The Earl of *Wicklow* was anxious to take this opportunity of adverting to a point on which he had touched, when this subject was under their Lordships' consideration before. He thought it of peculiar importance, now that some intimation had been given of the intentions of Government with regard to Canada. He had asked, on a former occasion, whether the noble Viscount meant to furnish the House with any suggestions or information the Government might have received on this subject from other governors of the province. He (the Earl of Wicklow) had since had reason to believe that there was some information or suggestion coming from Lord Aylmer. He also wished to know whether the noble Viscount would furnish any information that might have been received from Lord Gosford or Sir John Colbourne. If there had been any such information, its production was the more desirable, since the appearance of a publication by a talented individual, Sir Francis Head, who evidently differed *in toto* in his suggestions from the noble Earl, the late Governor-General of Canada. Sir Francis Head had this advantage, that he was Governor of one province for considerably more than two years; whereas the noble Earl, whose suggestions were now attended to by the Government, only passed a few months in the country. With these conflicting opinions, if there were any further information, it was desirable that it should be furnished to the House.

Viscount *Melbourne* said, that if there were any such information as that alluded to by the noble Earl, it should be furnished.

Lord *Brougham* entirely agreed with the noble Duke, that the course taken by the noble Viscount, in proposing such an Address to the Crown, had been most judicious. It not only rendered no discussion necessary on this occasion, but it precluded discussion altogether. They were pledged to nothing, by agreeing to a mere act of courtesy on the part of the House, in return for an act of courtesy and condescension on the part of the Crown. Whether it were necessary to bring down a message before proposing a plan for the government of Canada, was beside the present question. It was thought expedient, but it could not be said to be necessary. He made no objection to the course proposed, further than saying, that he must protest on behalf of both Houses of Parliament, against the understanding that a message from the Crown was ever necessary on any subject, to enable Parliament to exercise its wisdom on that subject. It was found expedient to adopt this course now, because it had been adopted in 1791. But the course adopted in 1791 had not turned out very successful, and perhaps that might furnish a reason for not caring whether the forerunners and accompaniments of that course were adhered to as precedents. In offering no objection to the Address, he did not consider that he, in the least degree, committed himself, even to the most general adoption of the principle laid down. He considered himself just as much entitled to object to it on a future occasion, as if the address had not been agreed to. His noble Friend opposite (the Earl of Wicklow) was mistaken in supposing that the plan propounded in the report of his noble Friend, was announced in the message. The principle of uniting the two provinces was as old as the hills. The merit of his noble Friend (the Earl of Durham) was of a different nature, for he entered into details, and proposed a great variety of measures for carrying his views into successful effect. But the House was not committed, in any way whatever to any of his plans by the adoption of the present Address.

Address agreed to *nem. diss.*

HOUSE OF COMMONS,

Monday, May 6, 1839.

MINUTES.] Bills. Read a third time:—Seditious Societies; Purchasers Protection; Exchequer Bills.

Petitions presented. By Mr. WARBURTON, Mr. P. HOWARD, and twenty other MEMBERS, from a great number of places, for a Uniform Penny Postage.—By Captain BERKELEY, from the Anti-Slavery Association of Bristol, and by two other MEMBERS, from different places, in favour of the Jamaica Bill.—By Mr. HODGES, from Horsmonden, against the New Poor-laws.—By Major BRYAN, from Kilkenny, against the Repeal of the Corn-laws.—By Captain PECHELL, from Brighton, against parts of the Beer-laws.—By Mr. HUTT, from Greenock, and Paisley, for establishing a British Colony in New Zealand.—By Sir G. CLERK, from several places, for Church Extension in the Colonies; and from Forfar, and Ayr, against parts of the Scotch Prisons Bill.—By an hon. MEMBER, from a number of places in Ireland, in favour of the Ministerial Policy in that country.

RESIGNATION OF THE SPEAKER.] The *Speaker* rose and said, before I proceed to the Order of the Day, I must respectfully request that I may be permitted to make a communication to the House, of which it ought to be informed. Experience admonishes me that I have no longer strength to enable me to meet as I have done heretofore the fatigue and labour which are inseparable from the discharge of the duties of the station in which I have the honour to be placed. I have, therefore, come to the determination not to resume my seat in the chair after the recess at Whitsuntide. I have adopted the course of making this communication to the House, because it will afford to the House an opportunity of deliberating on the choice of a Speaker, and will afford the least obstruction to the progress of public business. As I propose to continue in the discharge of my present duties until Whitsuntide, I do trust that the House will be of opinion that I am acting with propriety in now limiting my observations to the simple announcement of the fact of my intended resignation.

Lord *John Russell*: Sir, I am sure the House has heard with great concern the announcement you have just made. If I were to consult my own feelings rather than yours, Sir, I should be disposed to make some remarks on that announcement, but I am sure that I am consulting your feelings best when I say, that I will not now enter upon the question of the merits which have been so conspicuous in the situation which you have held. I will, only say, therefore, that in leaving the chair, I can assure you, Sir, you carry with you the respect, the regard, and the gratitude, of this House.

Sir *R. Peel*: Sir, as the noble Lord has declared that, out of consideration for your feelings, he has laid a restraint upon the expression of his own, I feel myself almost compelled to follow the example he has set. But, Sir, as my situation is not altogether the same with that of the noble Lord, as on your first proposal to the chair, you had the cordial support of the noble Lord, and as it was my painful duty to give a vote to the other candidate, I may, perhaps, be justified in so far departing from the example which the noble Lord has set, as to offer my public testimony to the integrity and impartiality with which you, Sir, have discharged your duties in presiding over the deliberations of this House, and to declare, that I think, that not only on account of your discharge of the duties of the chair, but on account of your persevering efforts to improve the conduct of private business, you are entitled to the expression of public gratitude.

Deanery of Exeter — Conference with the Lords.] A message from the Lords, requested a Conference with the House of Commons upon the subject of the Dean of Exeter Bill. The conference was accordingly held, and on the return of the managers,

Lord *John Russell* stated, that they had met the managers appointed on the part of the House of Lords, to confer on the subject of the amendments moved by the House of Commons on the Deanery of Exeter Bill, and that he had received from the Lords their reasons for disagreeing to certain of those amendments. The noble Lord moved, that those reasons be printed, in order to their being taken into consideration.

Motion agreed to.

Jamaica—Suspension of the Constitution—Adjourned Debate.] On the Order of the Day for the House to go into Committee on the Jamaica Government Bill,

Mr. *Maclean* was understood to say, he believed, that this was the first occasion in the annals of Parliament when an endeavour had been made to take away a constitution which had been in operation for 150 or 200 years, in the manner in which the right hon. Gentlemen opposite proposed to take away the constitution of Jamaica. It would be in the recollection of the House, that on a former occasion her Majesty's Ministers came down to Parliament for the purpose of suspending the constitution of Canada. They then proceeded in a different manner, and had taken a different, a remarkably different course, from that which they had thought it their duty to take on this occasion, for they had presented themselves to the House, requesting them first to pass a resolution. They had availed themselves of every form that Parliament admitted before they had resorted to the *ultima ratio* of power. Before sacrificing the constitution of Canada, they had taken every possible step in order, by conciliation, to prevent the consequences of such a measure. But what was the course they had taken with regard to Jamaica? They had had no resolution passed, they had had no message from the Crown, they had had nothing but the proposition of the right hon. Gentleman opposite to suspend the constitution of Jamaica, upon grounds, as he hoped he could show he was not justified in adopting. From the known reluctance which the right hon. Gentleman must personally feel to the introduction of this measure, and to the measure itself, it was certainly his belief, that the right hon. Gentleman had not taken the step without an urgent and positive necessity. But he must own himself astonished that in the former debate the right hon. Gentleman the Judge-Advocate, when he had first addressed the House, should state, that "he was considerably surprised that nothing had fallen from noble Lords and right hon. Gentlemen at that (the Opposition) side of the House, for the purpose of supporting the views of the right hon. Gentleman who had spoken first on that occasion." The Judge-Advocate stated that "he expected to hear arguments of great cogency in support of the proceedings which the right hon. Gentleman recommended to be adopted;" but did the right hon. Gentleman forget, for the House did not forforget it, that, previous to his speech, there had been on the side of the right hon. Gentleman a speech delivered, remarkable for the soundness of the views it entertained, and remarkable for the concise manner in which those views were brought forward? He asked the House, whether the right hon. Gentleman the Judge-Advocate, in the course of the whole of his address to the House of Commons on that occasion, had answered a single point advanced by the hon. Member for Kilkenny? He asked the House whether, on taking a review of that speech, one single argument had been advanced by the right hon. Gentleman who spoke last on that occasion to disprove those constitutional principles so ably laid down by the hon. Member for Kilkenny on that occasion? But there was a speech which had preceded it, a speech delivered in support of this measure—a speech, the foundation of which, was a clear, distinct, and positive dissent from the grounds taken by the right hon. Gentleman. The hon. and learned Member for Liskeard, in the address he had made, told the House distinctly the reasons for passing the Prisons Bill. He told the House, on that occasion, that he differed from the Ministry on the grounds on which they had passed this measure. He told the House still further, and he (Mr. Maclean) owned it was a singular announcement to hear from the lips of that hon. Gentleman, who had been a public functionary in Canada—he told the House he was always in favour of governing by a majority, and that he had always been opposed to despotism in any shape; though the hon. and learned Member did not wish that the franchise which had recently been given to the blacks should be taken away from them; although he was in that House an advocate for the extension of the suffrage, yet there was not a more strenuous advocate for the purest, the simplest, the most abstract despotism, than the hon. Gentleman who made that speech on that occasion. But, in calling the attention of the House for a few moments to that speech, and in asking the House to consider the sentiments as the real *bonâ fide* sentiments of the hon. Member on this bill—he asked the House whether, taking together the views with which the hon. Gentleman set out in his speech, and the views with which he had terminated it, if they did not furnish an unanswerable refutation of the course pursued by the right hon. Gentleman the Under-Secretary for the Colonies? They would first allow him to call attention to the language of the hon. Member for Liskeard:—

> "He could assure hon. Members opposite that nobody in that House could approve of English despotism less than he did. He knew enough of the character of English functionaries in the colonies. [Loud cheers from the Opposition benches.] Hon Members cheered before they heard the conclusion of the sentence. He repeated that he knew enough of colonial functionaries to be aware how unfit they generally were to administer affairs without the aid as well as the control of the people, and he did not believe a more corrupt Government could exist than one freed from the control of the people, and interfered with by factious and meddling persons."

Now he must own that this fell on his ear as exceedingly curious from the lips of the hon. Member for Liskeard, because it would be in the remembrance of the House, that when he went to Canada, such was the confidence placed in him, that the Lord High Commissioner was not satisfied that he should fill one office only—he was not satisfied that he should be his chief secretary, but, referring to the list of appointments made by the noble Earl, then captain-general, he found that Mr. C. Buller was likewise on the general commission of inquiry for Crown lands. On the commission of inquiry into the municipal institutions, that hon. Gentleman filled the same post of secretary; therefore his experience was valuable, as it was personal; and when he denounced this bill as a bill that would vest the powers of legislation in the hands of "public functionaries, unfit to administer affairs without the aid as well as the control of the people," they must be perfectly satisfied that the hon. and learned Member's opposition to this bill was based on sound, cool, and rational judgment. But it did appear to him singular, that during the whole course of the debate, especially after the manner in which the right hon. Baronet the Member for Tamworth had alluded to the proceedings of the Government in regard to the Canada Suspension Bill, it appeared to him remarkable that not one Gentleman had thought proper to allude to the course adopted on that occasion, and ask why there was such a wide distinction between the course pursued with regard to Canada and Jamaica. Why, before the noble Lord had proceeded in his Canada Bill, he had made repeated applications to that House for the purpose of its sanctioning the measure. What was the language used on introducing that bill, by the right hon. Gentleman (the Judge-Advocate)? What was the opinion of the Chancellor of the Exchequer in moving the Canada Bill? Why the right hon. Gentleman stated that it would be recollected that it was not simply a stoppage of supplies that had taken place, but that all the ordinary functions of government were about to be suspended; that the Canadians had proceeded to the election of justices and civil officers of their own, in defiance of the Government. These were the statements of the Chancellor of the Exchequer when he had required the suspension of the constitution of Canada. He asked if they had proceeded in that way in the suspension of the constitution of Jamaica? Had the House of Assembly stopped the supplies? Were they in a state of rebellion? Had they appointed justices of their own? Had they taken any one step which warranted the suspension of their constitution? Had they taken any course similar to that taken by the Canadian Assembly? Until her Majesty's pleasure was known they had declined proceeding further in their legislation than passing such bills as were requisite for the support of the Government; they had not delayed doing that which was necessary for any public purpose, and yet, setting aside all the usual forms with which they had adjudicated for Canada, her Majesty's Ministers had come down to that House, and had put a bill into their hands to suspend a constitution of nearly 200 years' standing, because the House of Assembly of Jamaica had chosen to take on themselves, as they had an indisputable right, to decline assisting further in the legislature until the opinion of the Crown was received on the matter. But had this course ever been taken before towards the Legislature of Jamaica? Was it not in the recollection of gentlemen of this country, that at a period he should be sorry to revert to as a constitutional period, in the time of Charles 2nd, the same unjustifiable interference was resorted to, and it was then met by a course more obstinate than that pursued on the present occasion, and it ended in the Legislature of Jamaica effectually carrying their point against the Government of this country. They then resisted and resisted well, and they ultimately came out of that ordeal, proving, to this country, that the mode in which they had proceeded was constitutional and just, and that the endeavour to tyrannize under the Government of Lord Carlisle was such as not to be endured. But the feelings then expressed were feelings coeval, he might say, with the birth of the country. They had continued from its earliest colonization even up to the present time. Why, as early as the time of Sir Thomas Modyford, soon after the colony itself was established, they had a clear remonstrance against the course of taxing the people of Jamaica without the consent of Parliament. If the House would allow him, he would call attention for a moment to the language made use of by Sir Thomas Modyford, it was made on such constitutional ground:—

> "According to a letter in the State-paper office from Colonel (afterwards Sir Thomas) Modyford, dated Barbadoes, Feb. 16, 1651, addressed to Bradshaw the regicide, the following suggestions occur relative to the island sending representatives to Parliament. 'The great difficulty is (which your wisdom will easily overcome) how we shall have a representative with you in your Government and our Parliament. To demand to have burgesses with yours to sit and vote in matters concerning England, may seem immoderate, but to desire, that two representatives be chosen by this island to advise and consent in matters that concern this place, I presume may be both just and necessary; for if laws be imposed upon us without our personal or implied consent, we cannot be accounted better than slaves, which as all Englishmen abhor to see, so I am confident you detest to have them. This is so clear, that I shall not have need to enforce it with argument, neither enter upon particulars for the good of this place, &c."

This was the language used in 1651; and similar language the House of Assembly caused to echo through this country whenever an attempt was made either by the means of paid commissioners or by acts of the Imperial Legislature, to raise taxes in the colony without the consent of the people, speaking by their representatives. But, in fact, by the act of the 17th and 18th of George 3rd, this country gave up the power of taxing the colonies without their consent, and in subsequently passing various acts relative to the trade of the colonies that principle was reiterated. Let them consider how the Prisons bill would interfere with these immunities. If they sent out a prisons bill giving power to the Governor of Jamaica to destroy all the prisons at present standing in the island and to erect new ones, those prisons must be paid for, and for the purposes of that payment, the Governor must raise taxes. Would not this be a direct violation of a long recognized right of the local Government to levy the island taxes? Therefore, in passing the Prisons act, they had interfered with the privileges of the island with respect to its internal government. It might have been well to pass that act. He was not at all prepared to argue against the necessity for that act, but they should have framed it so as to avoid as much as possible any interference with the right of taxation. He would now ask the right hon. Gentleman what course would he have taken if the Assembly, instead of the course they had adopted, had entertained the entire seventeen bills, and had thrown every one of them out? They had not taken this course—they had taken a more manly, perhaps, a less judicious one. He was not prepared to vindicate that course, nor the language in which it had been announced. It was violent, almost indecent, from a colony to the mother country. But, suppose they had rejected every one of those bills, which were suggested by the Governor, could the right hon. Gentleman, in that case, have come down to the House and asked them to suspend the functions of the Jamaica Legislature, because, in the exercise of their legitimate and undisputed right, they had rejected certain measures connected with internal Government. But if the Government had come down to the House, and represented that the Assembly of Jamaica had contumaciously refused to pass any act for carrying into full effect the Act of Negro Emancipation, the House would have passed the act required. This course, however, had not been taken. The course which had been recommended in the case of Canada by the hon. Member for Liskeard, was not attempted in the case of Jamaica. What did that hon. Member now say? The hon. Member said, "You should not grant immediate power either to the majority or the minority, as the one would be smarting under the deprivation of their rights, and the other from the recollection of the wrongs they had received." According to the hon. Member, instead of giving power to the people of Jamaica, the best plan would be to vest the Government of the island in three paid commissioners and a Colonial Council to be appointed by the Governor. These three commissioners would, of course, be the appointees of the Colonial-office and between them and the Governor's Council, they would, in fact, be establishing a pure despotism in Jamaica. The arguments used by the right hon. Gentleman for the passing of this bill, were precisely the same as those used on a former occasion, which the right hon. Gentleman was not old enough to recollect, when Mr. Fox attempted to pass his India Bill. What a storm of indignation the proposal of that measure raised in the breast of Mr. Pitt who gained for himself immortal honour by the power with which he opposed the attempt to sacrifice the freedom of India, to the interests of place! When Mr. Pitt heard, that the internal affairs of India were to be placed under the control of seven commissioners to be appointed by the Crown, he said:—

> "It was true the bill was said to be founded on necessity, but what was this? Was it not necessity which had always been the plea of every illegal exertion of power or exercise of oppression? Was not necessity the pretence of every usurpation? He had heard no particular reason offered in favour of this necessity, except that of destroying the corrupt influence which had been exerted by the Company and their servants in both Houses of Parliament. But surely, that was an argument against the principle of the bill, for if Government possessed themselves of this source of influence and corruption, it would no longer be the influence of a company, but that of the executive Government. He asked, was it not the principle and declared avowal of this bill, that the whole system of the Indian Government should be placed in seven persons and those under the immediate appointment of no other than the Minister himself.?"

This was the language of that eminent statesman on the extraordinary powers then proposed to be vested in the India commissioners. Was it not applicable to the present measure? For what did that measure propose? It took away all power from the Assembly, and vested it in a council to be chosen by the governor and three paid commissioners—to do what? Not only to raise taxes to the amount of 500,000*l.* a year, but, according to the sixth section of the proposed bill, to exercise all the functions of the Assembly. Besides, every law this council should make might become the permanent law of the island. He was afraid, if they looked through the papers on the table in that spirit of moderation which should actuate the House on a question of so great importance as that under discussion, they could hardly say there had not proceeded from the executive power, some irritating conduct, some acts not calculated to secure the confidence of the colonists. It had been said that the right hon. Baronet the Member for Tamworth, had endeavoured to fasten a quarrel on the governor of Jamaica. This charge must have been founded on misapprehension; for it was very well known that the side of the House on which the right hon. Baronet sat, had always supported lawful authority. The Gentlemen on the other side of the House. knew that they never lent themselves to factious attempts against constituted authority. How could it, then, be said that the right hon. Baronet had attempted to fasten a quarrel on the governor? It was impossible for them to shut their eyes to the fact that, although he found the Assembly behave most creditably, he only wrote home that the council had laboured cordially, and requested that the colonial office would send out some distinct mark of approval of the conduct of the council. What had been the cause of that letter? After the Assembly had manfully and frankly come forward and passed the act for the immediate abolition of apprenticeship, thereby depriving themselves of a property vested in them by Act of Parliament, a message was sent home to Lord Glenelg, recounting, with approbation, the acts of the council, but saying not one word in favour of the Assembly. The Assembly had other reasons to complain. They complained that when they had remonstrated touching the conduct of certain special magistrates, who had gone out of their way to use inflammatory language, in spoken addresses, or through the medium of newspapers, the governor took notice of their complaints. It was stated that in one case in which a special magistrate published a most inflammatory address in a newspaper, the governor was called on to dismiss him, and that he refused, saying the law was open to the parties if they considered themselves libelled. It could not be expected that the Assembly would have much confidence in the governor after such conduct. The conduct pursued in Barbadoes had been very different. The governor there had nearly the same objects to effect. What was his course? He sent for the council, and asked their advice, which they gave, remonstrating against the proposed measure as an infringement of the vested rights of the colony. He begged the House to consider that one of the great arguments in favour of the Prisons bill was, that it would produce uniformity in the prison discipline of the West-India islands. It had been stated by the right hon. Gentleman that neither the Marquess of Chandos nor the hon. Member for Newark, who generally took a deep interest in West-India affairs, had made any remark during the passing of the Prisons act through the House. The reason of this was, that both hon. Members supposed, that Government had consulted the Assembly previous to bringing in the bill. But the fact was not so. No communication was had with the House of Assembly; no notice was given even of the passing of the Prisons act. In Barbadoes the governor, under the advice of his council, appointed three inspectors, and these inspectors under the Prisons act reported to the effect that, "in returning the report of Captain Pringle to his Excellency, they took the opportunity of remarking, for his Excellency's information, that, after a careful perusal of the same, they were of opinion, from their local experience of the houses of correction in the colony, that the general system of prison discipline would not be applicable to Barbadoes." This showed that the principle of uniformity could not be carried out. The hon. and learned Member for Liskeard had said that he wished to suspend the Jamaica constitution, not more to prevent abuse of power by the whites than the future abuse of power by the blacks, and he would neither give the power to the masters to rule over the slaves, nor the slaves over the masters. How different was the language held by the hon. and learned Member on the discussion of the resolutions proposed with respect to the Canadas in 1837. On that occasion the hon. and learned Member said,

> "Their resolutions have been compared to the gagging acts of England, and the Coercion Bill of Ireland. I have never spoken with mildness of either; but, compared with the measure now before the House, they were of a less aggravated character of guilt, for this measure is not a mere suspension of personal immunities, but a cessation of constitutional rights. But this is a blow at constitutional

rights—a blow which, once struck, all respect for the constitution will cease. This measure is not directed against a knot of obscure persons, who wish to force their will on the people, but against the representatives of the people—not against a set of men united by illegal oaths and bonds, but against the legal authorities of the country. I maintain that a temporary suspension of the constitutional privileges of the people of Canada ought not in any case to be attempted. The outrage is inadequate to its object, leaving out the question of the violence with which it would be attended. Such violent remedies as the noble Lord proposes, ought not to be employed till all other means have failed. But, on the face of these resolutions, it appears that the Government have not yet done every thing they might have done. The noble Lord admits that the colonists did right in asking for redress for their original grievances. During the discussion which ensued out of those grievances, however, the Legislative Assembly came to a resolution that the Legislative Council was an intolerable grievance in itself. They proposed an alteration in its constitution, but the noble Lord comes forward and says that the peculiar alteration which they propose is unreasonable. I agree that it is so; but is it right, because the Canadian House of Assembly has made a blunder, that we should oppose an unreasonable resolution to their unreasonable demands?"

He would ask whether such language on the part of the hon. and learned Member had not well merited the censure passed upon him by the hon. Member for Kilkenny, who had naturally enough said, that he could not see on what ground the hon. and learned Member had changed his mind. This bill would in fact, do away with all the rights which had been already obtained by the black inhabitants of the island. What had been the language of the Assembly on the subject? It was well worth recording, because he hoped that the same sentiments would also be entertained by the House. They said—

"The legislative independence of Jamaica has ever been the pride of her English conquerors. They have received with joy their coloured fellow-colonists into equal participation of their valued liberty, and they were prepared to rejoice at the extension of the constitution to the emancipated blacks; but the British Government, by a great fault, if not a crime, has, at the moment when all should have been free, torn from the lately ascendant class the privileges which were their birthright; from another class, now the equals of the former, the rights they had long and fortunately struggled for; and from the emancipated blacks the rights which they fondly expected to enjoy with their personal freedom. The boon of earlier freedom will not compensate this most numerous part of our population for the injustice and wrong done to the whole Jamaica people. Gratitude is short lived, but the pressure of distant and uninformed legislation, in which they have no share, nor any sympathies arising from common origin and race, will be a daily irritation to the Creole Africans, and laws from such a source will be as impatiently endured by them as by their brother colonists."

And what, he would ask, would be the sentiments of the assembled inhabitants of Jamaica, when, for the first time, they heard of this act being passed? Was it after they had so peaceably accepted the Emancipation Bill, after they had voluntarily passed a measure for the abolition of negro apprenticeship, that there should be taken from them what they considered as their protection—that the earliest opportunity should be seized of doing that which would abrogate the most important parts of the act of emancipation? The House had been told, that the period sought to arise when the negro should know what liberty was, when his eyes should be unsealed, and he should behold the light of freedom; but he had heard it stated there, and also seen declarations to the same effect out of the House, that the House of Assembly had taken no precautions to prepare the new constituency of Jamaica for properly exercising the privilege conferred upon them. Now, had the House forgotten that in 1836 it was stated, that 52,000*l*. were annually voted for the education of the negroes, and that this sum was not confined to the instruction of one particular sect of religion, but distributed amongst Baptist, Presbyterians, and other classes of Dissenters, as well as amongst those of the Established Church? The bill now before the House would go for two years and a half at least to the utter extinction of the constitution in Jamaica. But who could tell whether, at the end of that time, the hon. Gentleman who had introduced this measure might not go down to the House and say, that it would still be for the benefit of the negro further to suspend the constitution? When once the power of legislation was extinguished, it would be difficult to know when and how it should be revived. On these grounds did he deprecate the step the Government proposed; and he spoke the more strongly on the subject, as he himself knew something of Jamaica, and had personally inspected the condition of the island. Did the Government think they would satisfy the white inhabitants by this measure? Or the mulattoes, who were so numerous, and on whom the whites depended for carrying out the work of emancipation? Or the negroes, who had expected to enjoy the exercise of the elective franchise. It was an ungrateful, unkind return for the peaceable and tranquil manner in which the boon of freedom to the negroes had been accepted by them. In answer to a speech of Sir Lionel Smith, the House of Assembly had said that if he would point out to them anything wrong, or requiring amendment, with regard to the state of the prisons, his suggestions would be received by them with the greatest deference; and judging by their conduct on all former occasions, it might surely be supposed that if any recommendations had been made to them in a proper spirit of conciliation, the Prisons Bill would have been passed without any of the irritating effects that had arisen from it. The conduct of the Government with respect to Canada had been widely different; for there, the Governor had stated to the House of Assembly the despatches that he sent to this country, and had moreover held conferences with Mr. Mackenzie and others on the subject of them; and the Government, before they ventured to come down to Parliament to ask for any stringent measures, were aware that the result would be almost unanimous. Would it not have been an easier course for Sir Lionel Smith, when he first called the House of Assembly together, instead of proroguing, and afterwards dissolving the House, to have at least made some communication to them of the Prisons Bill having passed the Parliament here,—a proceeding which they considered so important that they at once resolved on suspending their legislative functions? Might not Sir Lionel Smith have taken the same course which had been followed by Sir Evan Macgregor? And did not the House think that if that course had been pursued we should not now be reaping the bitter fruits that had been produced by the conduct of the Governor in first calling together the House of Assembly, then proroguing, and afterwards dissolving it, when a few months before, the Members of that House had shown every disposition to pass some bills that were even contrary to their own interests? The course that he would suggest was simply to conciliate, to forbear a little; not to recal the Prisons Bill, but at least to ascertain whether the House of Assembly had made up their minds to an obstinate contumacy against the proceedings of this House; and if that was fully shown, then he had no doubt that the hon. Gentleman would be able to pass the present bill without difficulty. But did the hon. Gentleman think even if he now succeeded in passing the bill through this House that he would ultimately succeed in making it a statute? Did he not think that the possibility was, that with respect to this bill, the lines

" ——— et incedis per ignes
" Suppositos cineri doloso,"

might be applied to him? The House knew the elements they had to deal with, and the anomalous state of society in Jamaica. There were 300,000 persons who had recently received the boon of freedom, while a certain number of whites had lost their power over the labour of their slaves, so that the elements of discord might perhaps be said to exist to a greater extent in that island than in any other place; and yet it was in this state of society that a bill was proposed for confiscating all the rights to which the slaves had so recently become entitled. If this step were taken now, he feared that ultimately we should have to govern Jamaica by the bayonet. Did the Government think that with their commissioners and a council of nine they would be able to carry on the taxation and the other business of the island, for by the despatches that had been recently received it was seen that the inhabitants were beginning to dispute the existing authorities, and insubordination was already threatened? Was it then too late for the noble Lord opposite to take the course which had been proposed by the right hon. Baronet the Member for Tamworth? If it were considered so, much should he regret it; for from the statements contained in the eloquent address of Mr. Burge to the House, as well as in the speeches of other Gentlemen who felt a deep interest in Jamaica, he thought it was clearly shown that if a mild conciliatory tone were adopted towards the Assembly, they would, in all probability, listen to any suggestions that were made to them, and carry into effect the recommendations of the Government. He knew not whether the days of the present Administration were numbered, as he had recently heard prophesied; but he was sure that if he knew anything of the sentiments of the noble Lord, and particularly if those were his genuine sentiments which the noble Lord had recently given to the public in an address to his constituents, that he would not in Jamaica, to use his own forcible language, "think of lifting the anchors of the Monarchy while the signs of a storm were black in the horizon." He "was convinced that the noble Lord would not in a moment of disappointment deface the work which he had made." He knew not whether it was true, as had been asserted, both in that House and out of it, that the Government had lost the respect of the people of England; but if it were so, why should they make too successful an endeavour to alienate the affections of our colonial empire? Were they not content that India was in flames; that Persia was estranged from our empire; that we were ridiculed by the Russian, and doubted by the Turk; that America had plucked us by the beard, and France had trampled on our standard? Must their career, commencing upon principles *inter se pugnantia,* terminate with, as he hoped, only a futile endeavour to dislocate those who had hitherto acted in union and harmony one with the other? They were indeed, whether existing only by sufferance, or flattering themselves that the breath of life had been breathed into their nostrils within the last few days, a strange anomaly. When conciliation was a crime, they strove to soothe; when rebellion was rife, they held out in their trembling hands the olive branch of peace; but when they might reclaim their children by tenderness, they smote them with the sword. Were these to be the fruits of their boasted measure of emancipation? The negro was to be raised from his servile state into the condition of a free labourer by the operation of a temporary apprenticeship; their Governor in Jamaica advised that that course should cease, and the colonist yielded, whilst at the same time he deplored it. He yielded, however, with frankness and promptitude to the commands of the Government, and they, to reward him, thus endeavoured to deprive him of his privileges and abolish the constitutional rights to which he was entitled. Now, what would be the effect of their conversion to this almost Russian despotism? They would hold up the colonist as an oppressor who should be manacled by the Parliament at home; his authority would be laughed at; his estates, perhaps, neglected or ruined; his domestics and workmen given to understand that so great were the crimes which the Legislature of Jamaica had committed that England would allow it to exist no longer. Ay! they would do more; for with those whom they considered as guilty they would punish the innocent. In conclusion, he would ask them whether in the annihilation of the Legislature they would not involve also the sacrifice of those nascent rights which they had conferred on the newly-emancipated constituencies, and whether the course which was now proposed was such as would, to use the nervous language of one of the beautiful prayers of our liturgy, "promote the good of the Church, the safety, honour, and welfare of our Sovereign and her dominions."

Sir *Eardley Wilmot* said, it appeared to him that the hon. Member who had just sat down had used more the arguments of an advocate than of a legislator; for the hon. Member seemed to have touched upon every case but the one which was really before the House. He had taken rather a prominent part in the proceedings of the House with respect to the slavery question, and he hoped, therefore, he should be indulged with a few moments' attention whilst he stated his reasons for the vote which he intended to give in favour of the motion now before the House. They had given the negro liberty, and why, then, he would ask, should they, for the contumacy of certain individuals, continue him in a state of slavery? He felt deeply that this was the true question before the House; and, with the principles and feelings which he had on this subject, he felt bound to explain the reasons of his determining to vote for the motion. In order to do so, he wished just to call the attention of the House to the circumstances that had occurred since the year 1833, when the Bill for the Emancipation of the Slaves was first brought in. At that time the noble Lord who brought it in distinctly stated, that he wished to place the negroes in exactly the same situation as free labourers in England, and thought that would be best effected by some system of apprenticeship. It was very soon discovered, however, that the great powers in Jamaica were opposed to those views; and the noble Lord afterwards stated to the House, that it was of no use to try to do anything with the Assembly on this point; that it was utterly hopeless to apply to them; that the Government must take the matter into their own hands. The Government, therefore, brought in a bill to amend the first Act with respect to the apprenticeship clause. After this the House of Assembly, in anticipation of what they might have been compelled to do, voluntarily passed the Total Emancipation Act, and this country at the same time passed the Prisons' Bill, having been induced to do so from the horrors they had heard detailed respecting the state of the prisons in Jamaica. From the year 1833 up to the time of the abolition of the apprenticeship, the Assembly of Jamaica had not only not assisted this country, but had rendered nugatory every thing that was attempted to give the negro a fair and proper situation in the island. The question was, whether they would make the measure of emancipation complete and effective; and it was with this view that he supported the measure proposed by Government. If the object was merely to change the Government of Jamaica, to create in its stead a despotic one, he should oppose the bill; but he believed that by suspending it, an opportunity would be afforded for preparing a constitution more in unison with the present state of the country. When the present constitution was established there were but few freemen in the colony and 300,000 slaves. Now, there were in Jamaica upwards of 300,000 freemen, and, therefore, it might be said that a different constitution was wanted. If the present was a mere party question, he should not give the Ministry his support, because, holding the opinions he did, it was his duty to do every thing that might lead to a change of Government; but as the right hon. Baronet had declared that it was not a party question, he should feel ashamed if he did not give a vote on the question under discussion according to his conscience.

Mr. *Grote* said: If, Sir, I could bring myself to agree with the hon. Member for Warwickshire regarding the present bill, as depending upon a question of comparative sympathy between the blacks of Jamaica on one side, considered as an oppressed race, and the whites of Jamaica considered as oppressors, I should agree with him in my vote this evening; for I have never been backward in voting for the abolition of slavery, and I voted last year in favour of his motion for the shortening of the apprenticeship. But I cannot so regard this motion. The bill before us appears to me to be full of harshness and injustice towards the whites, and of very doubtful kindness towards the blacks. I cannot bring myself to vote for its passing into a law, and I hope that the House will indulge me while I briefly state the grounds of my conclusion. It has been my fortune, Sir, on various former occasions, and especially in the discussions during the two last years on the government of Lower Canada, to manifest a greater respect for colonial constitutions, and a greater reluctance to violate or suspend them, than most other Members of this House. I do, indeed, believe, that the difficulties of governing a colony well, by any expedient, or upon any supposition, are all but insuperable; but I believe, at the same time, that a Representative Colonial Assembly tends to abate very materially the extent of possible misgovernment, and to protect, to a considerable degree, both the rights and the comforts of the colonial population. I know well, too, that such an assembly must, even in the discharge of its proper and legitimate functions, become a source of constant annoyance to the executive authority. Sometimes, doubtless, its interference will be mischievous; but, on most occasions, it will be just and salutary. And as I am thus deeply sensible that the relation between the executive authority and the Colonial Assembly must be one of dislike on the one side and jealousy on the other, I confess that I do not listen with implicit confidence to the complaints preferred by the former of these two powers against the latter. I decline to take my idea of the Assembly from the construction which the executive may be pleased to put upon its acts. These are the general feelings which I have brought to the discussion of matters concerning colonial government on former occasions; they are the feelings with which I approach the discussion of the present bill. Much has been said, Sir, during the present debate, respecting the peculiar situation in which our West-India colonies are at present placed, in consequence of the recent emancipation of the black population. I feel the force of these circumstances as strongly as any man. I am well aware that this important change in the structure of colonial society, carries with it the seeds of future changes, and that the period during which such alterations are in course of accomplishment, requires our utmost precautions to instil into all classes both forgetfulness as to the past, and patience, self-command, and gentleness, as to the present. But, Sir, the consciousness of these circumstances produces upon my mind an effect different from that which it seems to produce upon most other Gentlemen. It impresses me with an additional sense of the necessity for extraordinary care and circumspection in legislating for a society in this state of trouble and transition. We have lately compelled the white population to surrender their power as masters over the blacks. It was right and wise that we should do so. But I must confess, that the fact of our having effected this change leads me to deliberate the more carefully, and to require a stronger proof of necessity, before I consent to inflict upon the feelings of the white population the additional wound of suspending all their powers of internal legislation and self-government. Before I proceed to examine the reasons alleged on behalf of this bill, I am bound to reply to one preliminary objection, which seems to be aimed peculiarly at my hon. Friend, the Member for Kilkenny, and myself. It is triumphantly announced, that this Jamaica House of Assembly is not a popular assembly; that the narrowness of the constituency by which it is chosen renders it a mere oligarchy; and that those who reason upon it as a popular assembly, are imposed upon by a paltry and delusive juggle of words. Such has been the objection made by several Gentlemen who spoke on Friday evening, and insisted upon, most pointedly, by my hon. Friend the Member for Liskeard. I can scarcely believe, Sir, that my hon. Friend can have intended to urge this objection seriously, as relevant to the matter in hand. My purpose in resisting this bill is to maintain an assembly representing the wishes and feelings of the colonial population. If it be contended that the present assembly is elected by so narrow a constituency that it does not fairly and fully represent the wishes and feelings of the colonial population, let the constituency be enlarged until that object is accomplished: that is the specific and appropriate remedy. If you decline to apply the specific remedy, do not pretend that the oligarchical character of the Assembly is the real ground why you dislike it; do not pretend that the persons who wish to uphold a Representative Assembly, but are perfectly ready to enlarge the constituent basis on which it rests, are supporters of oligarchy under a feigned name; do not pretend that you who desire to extinguish the elective principle altogether, take the really popular view of the question. But, Sir, to show still farther the groundlessness of that attack which my hon. Friend, the Member for Liskeard, made against those who desire to uphold the Jamaica House of Assembly, as if they were mere champions of oligarchy, let us look at the part of his argument which followed. My hon. Friend told us himself, after he had concluded his eloquent denunciation against the oligarchical character of the House of Assembly, that though the constituency by which that House was elected was at present very narrow, still it was in actual course of enlargement under the operation of the present electoral law; that, in the course of a year or two, the constituency would be so widened as to embrace a full and adequate number of electors. Well, then, if this be the case, I should have thought that my hon. Friend's reproach against those who resist this bill, that they are imposed upon by a paltry juggle of words, would have appeared, even to himself absurd and unreasonable, and that he who had expressed so great a dislike to the House of Assembly on the ostensible ground of oligarchy, would have become reconciled to it when it came to acquire an indisputably popular character. But is this my hon. Friend's language? Quite the reverse, Sir. He tells us, that little as he likes the Assembly now, he shall like it still less when a number of black freemen shall have been registered as electors; he cannot endure an Assembly elected by a majority of whites, but still less can he endure an Assembly elected by a majority of blacks. Now, Sir, in what respect does this argument, against the continuance of the House of Assembly in Jamaica, under an enlarged suffrage, differ from the argument employed by the hon. Gentleman opposite two years ago, against the reform of municipal corporations in Ireland? The right hon. Member for Tamworth said at that time—"I do not wish to maintain the present Irish corporations in the hands of a Protestant minority: I admit that they have exercised their privileges unfairly, and in such manner as to create discontent and irritation amongst the Catholic majority. But if I consent to your reformed corporations, that Catholic majority will in their turn exercise the privilege unfairly, and for oppressive purposes: I have, therefore, no choice except to abolish corporations altogether." Such was the argument used by the right hon. Gentleman opposite, against the introduction of popular municipal corporations into Ireland; and it is precisely the same argument as that which is now used against the maintenance of the Colonial Assembly in Jamaica. And I perfectly recollect, that my hon. Friend, the Member for Liskeard, made a speech in 1836, in which he replied to that argument at great length, and with great ability. He took pains to shew in that speech, that there was no method so effectual for softening and effacing pre-existing antipathies, as the scheme of blending the two opposite parties in popular municipal assemblies, for the purpose of transacting in common active business of detail, and of furthering the joint municipal interests of their respective communities. Admitting that the Catholic majority in Ireland had been ill-used under the previous corporations, he nevertheless argued, that there was not the least fear that they, when they acquired the elective franchise in corporations, would make use of their newly-acquired power to the oppression of the Protestant minority, or would seek to avenge themselves of the wrong which they had suffered under the previous system. Such was the argument of my hon. Friend the Member for Liskeard in 1836, on the subject of Irish municipal corporations. I agreed most cordially with his reasoning at that time, and I see no reason to retract my faith in it now. I desire to pursue the same system for gradually mollifying the antipathies between whites and blacks in the West Indies, which he advocated as conducive to harmony between Irish Protestants and Catholics. But, Sir, the more fully I concur with the argument of my hon. Friend in 1836, the less can I concur with his argument in 1839. It seems to me, that neither he nor any other Gentleman has made out any sufficient case to justify the present bill. Nevertheless, I thank him much for his speech, for it perfectly confirms and satisfies me in my opposition to the bill. He does indeed provide an argument of his own, an unsatisfactory argument, in my opinion, to defend the suspension of the Jamaica constitution; but he dismisses with contempt the argument furnished in the preamble of the Government Bill. Sir, this is quite sufficient for me. If this bill cannot stand upon the preamble annexed to it, it ought not to stand at all; and I would beg those Gentlemen who really think that they are now going to suspend the Jamaica constitution merely for a short period, such as two years or five years, to recall to themselves attentively the speech of the hon. Member for Liskeard. They will perceive that the arguments used in defence of the bill will not be satisfied by a mere temporary suspension of the House of Assembly. If those arguments are valid at all, the constitution of Jamaica ought to be suspended for twenty years, or fifty years; and most assuredly, if the House shall think fit now to permit its suspension, I much doubt whether many of the Gentlemen who are now present will ever live to witness its revival. A good deal of what has been said in defence of the present bill seems to me only partially relevant to its main scope and purpose. Heavy censures have been accumulated upon the general conduct of the House of Assembly in Jamaica, and upon the intemperate and unbecoming spirit in which its proceedings have been conducted. Let us admit all these criminations to be true—though I am bound to say, that the effect of those laudatory citations read by the right hon. Member for Tamworth, in his speech on Friday, from the messages and dispatches of Jamaica governors, has been not yet rebutted or done away with; but let us admit all which has been said in inculpation of the House of Assembly to be true, still I contend, that no defence has been made out for the present Bill. For the present bill rests the proposed suspension of the functions of that body, not upon general evil-mindedness or incompetency, but upon one specific and tangible issue; upon one particular abnegation of duty alleged to have been committed upon a recent occasion. Now, Sir, what is the impression likely to be produced on the minds of the white population of Jamaica, when they see that, in justifying this bill, so many appeals are made to that which is neither stated nor glanced at in the preamble—so many expressions of indignant denunciation against the House of Assembly, as to a thousand other matters not contained in the positive indictment? Sir, I must say, that the strong and natural impression on the minds of the white inhabitants of Jamaica will be, that the occurrence which has intervened respecting the Prisons Bill is not our real reason for suspending the constitution of Jamaica, but merely an excuse laid hold of to gratify a pre-existing disposition, and that the sentiment which actually impels us in passing this bill is the continuance of an exaggerated anti-slavery feeling, after its holy and legitimate purpose has been fully and finally accomplished. I do not pronounce, Sir, whether this be the real reason of our proceedings or not; but I am sure, that it is the interpretation which cannot fail to be put upon them by the whites of Jamaica. And with me, I will confess, this constitutes a forcible reason, in addition to the inherent severity and harshness of the bill before us, for pausing in our present course: for although I have thought it my duty to take no account of the repugnance of the whites, when the object was to procure the emancipation of the negroes, and although in that view I voted in favour of the motion made last year for abridging the duration of the apprenticeship—yet, when emancipation has once been achieved, I no longer think myself authorised to treat lightly the feelings and the satisfaction of the white portion of citizens of Jamaica. They are now free colonists on a level in the eye of the law, with those who were once their slaves: it is our duty to see, that nothing is done unnecessarily to disgust them with their new condition; for I am quite persuaded, that whatever be the difficulties of working the new state of society in the West Indies with tranquillity and effect, one essential condition to that result is, that we should reconcile and appease as much as we possibly can the minds of the white population. Now, I think that this bill will tend to the very opposite consequence—that it will exasperate and provoke the white population of Jamaica—that it will inspire them with a sense of profound and aggravated injustice, and that it will tarnish the lustre of that generous and humane policy under which the Act of Emancipation was effected. Sir, I have said, that the passing of this bill will impress the white population of Jamaica with a strong feeling of injustice and ill-usage. And how can the fact be otherwise when they read the preamble, when they recollect the actual facts which have occurred? The preamble places the necessity of suspending the constitution of Jamaica on the resolution taken by the House of Assembly, in consequence of the passing of the Prisons Bill by the English Parliament. Here then are two parties opposed to each other, the propriety of whose demeanour is in question—the English Executive Government and the English Parliament on one side, and the Jamaica House of Assembly on the other. Is it the first or second of these parties, or both of them, who are to blame, on the matter of the Prisons Bill? Sir, I am bound to say, that when I review the proceedings on this side of the water, I can by no means satisfy myself, to say the very least, that we have ourselves been so free from sin, as to entitle us to cast the first stone at the House of Assembly. I must say, that I think the passing of the West India Prisons Bill in August last was an interference at once gratuitous, impolitic, and offensive, with the rights of local legislation enjoyed by the House of Assembly in their own island, and I am happy, that I agree on this point with my hon. Friend, the Member for Liskeard. To say, that the English Parliament had a right to pass the West India Prisons' Bill, is in my view nothing to the purpose. We have a right, undoubtedly, if we think fit, to abrogate altogether the insular constitution of Jamaica, and to cause the whole internal legislation of the island to be performed without any representative assembly at all. There is no doubt, that such is the paramount authority of the Imperial Legislature; but the question is, whether we have not dealt with Jamaica for a very long period upon different principles assigning to the inhabitants of that island their own internal legislation, and restraining ourselves from interference with them on domestic matters, except in cases of pressing necessity? It is useless then to establish, that the right exists in the Imperial Parliament; you must go farther, and shew that a pressing necessity existed for our actual exercise of the right, and for our departure from those maxims which have so long guided our relations with Jamaica. This, Sir, is indispensably necessary before a case can be made out in defence of the present bill; and this has never yet been done with anything like sufficiency. For, let us merely inquire what great evil would have ensued if the Prisons Bill, passed by the English Parliament last Session, had been withheld from becoming law in the island of Jamaica, until it had been submitted for the approbation of the House of Assembly? Suppose the worst—that the House of Assembly, on their meeting in October, and on seeing the report of Captain Pringle, had refused to deal with the question of prison discipline at all, and had left the prisons in the island without alteration or amendment? I do not say that they would have acted thus—I think the presumption is, that they would not; but let us imagine that this had been their behaviour, what would have been the extent of the evil? The worst that could have happened would have been, that we should have been compelled to postpone the peremptory interference of the Imperial Legislature until the commencement of the present Session, and we might then have passed the Prisons' Bill, after having ascertained by direct experiment that the House of Assembly were not disposed to adopt it of their own accord. If we had thought it worth while to overrule the acknowledged constitution of the island for the purpose of introducing an ameliorated scheme of prison discipline, we should at least have had the consolation that we had left no step untried to spare ourselves that necessity, and to prevail upon the House of Assembly to amend their prisons for themselves. The question, therefore, is, did the possibility of this evil, the worst evil of which the case admitted—did the possibility of a few months' delay in the adoption of a new prison law, constitute a necessity sufficiently urgent to justify the Imperial Parliament in overruling the authority of the Jamaica House of Assembly as it did last July? Was it sufficient to impose upon us the obligation of instant and peremptory interference, in spite of the formal protest of the agent of Jamaica, and in spite of the strong dissatisfaction and repugnance which our proceeding was certain to excite in the island? Sir, I must say that, in my judgment, it was not sufficient. Nay, if it had been an evil certain to ensue, instead of being merely contingent and possible—if it had been ascertained, as well as anything can be ascertained without direct trial, that the House of Assembly would have declined to adopt any improvements suggested in Captain Pringle's report—I should still have said that the necessity for instant interference was not sufficiently sustained—I should still have said that it would be right to submit Captain Pringle's report to the House of Assembly, and to suspend our interference until it was seen by actual trial what degree of improvement that body would assent to. Believing as I do, then, Sir, that there was no pressing necessity for our passing the Prisons' Bill last August, I think that as to the matter of fact alleged in the preamble to this bill, the Jamaica House of Assembly are less in the wrong than the English House of Commons. And, whatever may be the sins in other respects committed by the House of Assembly, I am bound to remark, that if I am sitting as juror when an accused person is put on his trial on a specific indictment which cannot be proved, it will be my duty to acquit him, and set him free, though I may believe him to be in other respects an unprincipled malefactor. Looking simply at the justice of this bill, according to the grounds laid for it, I cannot but pronounce decidedly against it. Nor can I find any greater reason to commend it on the score of wisdom and prudence. I believe that this bill will greatly aggravate and embitter the existing discontent in the island, instead of contributing to tranquillize and reconcile the various classes of the population. You tell us that the white population of Jamaica are angry and unmanageable, because they have been deprived of their prerogatives as slave-masters, and you are going, by way of emollient, to strip them of all their functions and their dignity as citizens. Sir, in my opinion, this is neither just or wise legislation. The present bill will only add to the many difficulties which now beset the Government of Jamaica, and as such I shall oppose it.

Mr. *Clay* had listened to the observations of his hon. Friend, the Member for London, with all the respect which they so well deserved, but also with regret that his hon. Friend had arrived at a conclusion in which he could not concur, and with somewhat of surprise at the reasoning by which his hon. Friend had arrived at that conclusion. He (Mr. Clay) could not look at the Bill as an invasion of popular authority, and it seemed to him that his hon. Friend, the Member for London, had mistaken the shadow for the substance, and confounded words with things. The House had to legislate not for that portion of the inhabitants of Jamaica who had hitherto exclusively enjoyed the privileges of freemen, but for those who would henceforth be the people of Jamaica; and he maintained that his hon. Friend ought not to stand up in the defence of a constitution which only belonged to one-twentieth part of the people of Jamaica. His hon. Friend had said, that he could not vote for the bill, because the grounds stated in the preamble were not sufficient, following in this respect the right hon. Gentleman, the Member for Tamworth, from whom, rather than from his hon. Friend, he should have expected such an argument. For himself, he was of opinion that it was not advisable either that the whites should legislate for the blacks, or the blacks for the whites. If there were no other reason for the measure than the circumstance that the House of Assembly had refused to pass a prison bill, he might be disposed to concur with his hon. Friend. But were there no other subjects remaining on which laws were required to be passed? A poor law was necessary, a vagrant act was required, and so was a good law respecting the occupation of land, and he confessed he could not understand how men who had watched the course taken by the Assembly, as shown in the papers which had been laid upon the table of that House, could ever bring themselves to believe that that body would ever fairly and honestly concur with the Imperial Parliament in carrying such measures as they could approve, and such as were required by the interests of their fellow-subjects in the Island of Jamaica. He had voted against the abolition of the system of apprenticeship, because he would not be a party to the violation of a contract into which he had advisedly entered, but he would not now consent to leave in the hands of the masters the power of legislation, when they had lost the rights of proprietorship.

Mr. *Warburton* said, that in consequence of the great authority in matters connected with the liberty of the subject, which very properly belonged to his hon. Friend, the Member for London, he was anxious to say a few words upon this question. He should be ashamed of himself if, when he honestly approved of the conduct of the Government, he did not honestly come forward and say so. He could only compare the situation of England with respect to Jamaica, with her position in relation to some of the small tributary governments in India, of which it was said, that worse governments could not exist. The only mode in which the natives could ever obtain redress, was occasionally by exacting summary justice of their governors. But England had interfered, and prevented the people rebelling against their rulers, while, on the other hand, it had taken upon itself the responsibility of giving them substantial justice. This was what we had done in Jamaica. If we could depend upon the House of Assembly to do justice to the people of Jamaica, then we ought not to interfere. By keeping an army and navy there, we made ourselves responsible for the administration of affairs, and we were bound to see the people treated with justice. It was a mere chimerical notion to suppose, that the House of Assembly would ever act justly towards the coloured population, unless they were controlled by this country. Upon this simple ground he should vote for the bill. It had been objected that the preamble of the bill did not state the grounds upon which the bill was supported. But a legal authority, in a report laid before the House in the session of 1838, said, that everybody knew that the few reasons for a law were easily given in the preamble, and that it was much better to omit them. He entirely agreed with that writer, that it was much better to omit all the reasons for the enactments of a bill, and only to state its purpose in the preamble. Entertaining these views, and believing that the Government were entirely responsible for the administration of justice in Jamaica, and seeing no probability that the objects which they had in view would be secured by leaving power in a representative body hostile to the interests of the negroes, he was favourable to this bill. He considered that the Government would have been guilty of deluding the people of this country, who had paid 20,000,000*l.* for the emancipation of the slaves, if they had not brought forward this measure, and if they had told them that there was any chance of securing the rights of the negroes without adopting the course of policy which was now proposed. The Government had, in his opinion, adopted the straightforward course by the proposal of a measure, which he was convinced would sooner or later have been forced upon them, and he should therefore give it his most cordial support.

Mr. *H. Gally Knight:* Sir, I never was more surprised than by the speech of the hon. Gentleman who has just sat down. Could it be the speech of the hon. Member for Bridport — of the champion of liberty in its most extensive form? Had my eyes been shut I should have thought I was listening to an advocate of despotic principles. Nor was I much less surprised at the speech of the hon. Baronet, the Member for Warwickshire, who told us that he felt himself compelled to support the bill before the House, lest the tree of liberty so recently planted should be cut down. The hon. Baronet is anxious for the growth of the tree of liberty, and for that reason, advocates the subversion of constitutions, and the establishment of arbitrary power. For my own part, I feel myself compelled to oppose this bill, because I think the suspension of constitution after constitution is anything but satisfactory, and because it does not appear to me that, on the present occasion, the last resource of imperial severity is justified by the necessity of the case. My right hon. Friend, the Colonial Secretary, in introducing this bill, very properly expressed a wish that we would consider this subject in a comprehensive point of view. But I think we shall not be attending to his recommendation unless we extend our observation to the spirit and the temper in which Jamaica has been governed for some time past; and, if we do so extend our observation, I fear we shall find that, to that spirit and that temper must chiefly be attributed the resistance of the House of Assembly, and the present calamitous condition of that unfortunate island. It has been a repetition of the old story of governing in a party spirit, of leaning altogether to one side, and driving the other to despair, whilst, as it appears to me, the especial duty of a supreme Government is firmly and impartially to hold the balance between conflicting interests, to assign to each its fair advantage, and keep each in its proper place. I was the sincere friend of emancipation. I considered that measure, coupled as it was with compensation, as one of the most glorious achievements that this or any other nation ever performed; but, the more I was a friend to emancipation, the more anxious am I to see it brought to a successful issue, not only for the sake of our own islands, but for the sake of the general cause of emancipation throughout the world. But will that measure be considered as having succeeded if Jamaica should go back into jungle, and the negroes relapse into the savage state? Will the measure have succeeded unless those who were masters and slaves are able to live harmoniously together in their new relation of employers and free labourers—unless the island remains at least in a state of cultivation, and the negroes become an orderly, moral, and religious population? Now, Sir, my complaint is, that the transition has not been conducted in such a manner as would have been most likely to obtain these results. It must be evident, that so great and singular a charge could not be prosperously accomplished without the greatest discretion and the best precautions. It must be evident that the feelings of the planters would have to be considered, and that the intoxication of the newly-emancipated would have to be restrained; that care must be taken to make the negroes thoroughly aware of all the circumstances attendant upon their new position; and that proper regulations would have to be introduced, not only to persuade, but even to drive them to acquiescence in regular habits of tenancy and industry. This has not been done, and the consequence is, that in many parts of Jamaica, the negroes are, not in a state of insubordination, but of determined inaction, that business and cultivation is at a stand, that the crops are rotting in the fields, the negroes squatting in the woods, and the proprietors on the brink of insolvency. How has this been brought about? I admit that one disturbing cause has intervened, for which the Government are in no way responsible. I mean the popular cry, which, grounded on the grossest misrepresentations, was raised last year, forcibly to bring about the immediate termination of the apprenticeship. Never was it ever more clearly demonstrated how mistaken it is possible for a popular cry to be, or how unwise it is to succumb to its voice. No one, I think, can forget the triumphant manner in which my hon. Friend the Member for Newark refuted the charges which were brought forward by the advocates of immediate termination. This House decided by an immense majority against the proposition; but it might have just as well decided the contrary way, for, scarcely had the House so decided, before Government sent out such instructions as were certain to carry the immediate termination into effect; and it was done in such breathless haste, that the regulations by which it should have been accompanied, were omitted, or postponed to a more convenient season. The effect of that popular cry and the abrupt termination of the apprenticeship, was to throw the negroes into a state of excitement which was not for their good; but the mischief which was produced by these disturbing causes is not to be compared to that which has been produced by the spirit to which I have alluded—a spirit which has gone on representing the planters to be the natural and eternal enemies of the negroes—and which, by so doing, has prevented the two parties from coming to such an adjustment as is indispensable for the welfare of both. In the papers which have been laid before the House, there is abundant proof that the Governor, the Baptist missionaries, and the Stipendiary Magistrates, actuated, I have no doubt, by the best intentions, have long adopted a course which could only have the effect of misleading the negroes, and driving the planters to the wall. I should like to know what would be thought in this country if the clergy of the Church of England, of Manchester, Sheffield, or any other manufacturing town, were to go to the operatives, exhort them to strike, and stand out for unreasonable wages. What would be said of those reverend persons by Gentlemen opposite, if they were detected in any such proceeding? Yet is this exactly what has been done by the Baptists in Jamaica. Nor are the negroes so dull a race as to stand in need of the assistance of any such patrons. On the contrary, they are shrewd, perfectly able to make their own bargains, and even understand combination as well as the operatives of Manchester, or any other place. But then the Stipendiary Magistrates assert that, wherever masters have been previously kind, they have had no difficulty with the negroes. I regret to say, that this is not the case. I am acquainted with the circumstances of a large estate in Jamaica, of which the proprietor is so conscientious a man as to have twice gone over to the West Indies, before the emancipation, to see that his negroes were kindly treated. Ever since he has paid them constant attention. But he has by no means experienced that grateful return which the Stipendiary Magistrates assert to be univerally the case. Last season his negroes demanded twice as high wages as could be given with any chance of remuneration, and, on not having their demands acceded to, went back to their cottages, and distinctly refused to work. In consequence, his crop, which was a most promising one, is almost entirely lost. His negroes, supporting themselves on their provision grounds, remain in a state of sluggish idleness, and, instead of receiving a large income from his estate, he is obliged to send remittances to Jamaica from this country. I repeat it, that it is to the partial spirit in which Jamaica has been governed, that this state of things is mainly to be ascribed; and unless it shall be governed in a more impartial spirit hereafter, you may suspend the constitution, you may introduce what arbitrary measures you will, but you will not succeed in forming a prosperous and happy community. I am aware that some such Prison Bill as the one that was passed, was necessary. I am equally aware that many enactments for the rural regulation of the island, are no less wanted. These may just as well be enacted by the House of Assembly. But if, by visiting the House of Assembly with a Bill of Pains and Penalties, you further degrade the white population in the opinion of the blacks, and widen the breach between the two parties, I fear you will increase the evil and the difficulties to such an extent as no subsequent Legislation will be able to set right. For these reasons, I feel it my duty to oppose the bill which is now before the House.

Mr. *Goulburn* said, it was certainly surprising that of all those hon. Members who had defended the measure which had been brought forward by the Government, scarcely one had advocated its enactments upon the grounds on which it had been proposed and supported by the Members of the administration. The hon. Member for Liskeard had told them, that the provisions of the Bill had no connexion with the preamble, and on that ground was prepared almost to throw it overboard; while the hon. Member for Bridport found it so difficult to reconcile the measure with the arguments which it contained in justification of its provisions that he had referred the House to some East-India governments as affording some sort of precedent for the unknown species of Government which it was proposed to establish in Jamaica. He had told them, also, that it was not the custom of Parliament to state in the preamble of any bill the true reasons which had led to its adoption, and on the ground that there was something in the character of certain East-India Governments which afforded a precedent for the measure before the House, and also on the ground that the true reasons for the adoption of any legislative measure were never set forth in the preamble by the Imperial Parliament, the hon. Member defended the Bill which had been brought forward. Now, he wondered when the hon. Gentleman alluded to India, that he had not seen, that the Bill before the House would establish a despotic government; and when he said, that under such a government, assassination and insubordination was the necessary result, he thought there was very little wisdom or policy in stating to the public how such a government could be sustained. He was anxious to offer an opinion upon the principle of the Bill, and to state the reasons which induced him to give it his decided opposition, and he trusted the House would grant him its attention for a few moments while he did so. He could assure hon. Gentlemen opposite, that he did not approach the question with any desire to approve the whole conduct of the House of Assembly, or with any design to defend that body in opposition to those objections which had been raised against certain parts of their proceedings, nor with any wish to argue the matter upon party grounds. In regard to this bill he entirely adhered to the opinion which he had expressed in a former Session, and to the pledge which he had then given; and he felt as strongly now as he did then that it was the duty of Parliament to watch over the proceedings of the Assembly, and to pay every attention to the condition of the negroes. But when he expressed that opinion, and when he gave that pledge, and agreed to the resolution which was then submitted to the House by the Government, he did not understand that, by agreeing to that resolution, he pledged himself to support any measure tending to dissolve and to abrogate the free institutions of any people. It was one thing for Parliament to support the Government in the execution of those laws which Parliament had passed, but it was a very different matter to support that Government when it was proposed to suspend a constitution, to deprive a people of free institutions, and in their place to establish an absolute despotism. If, when the resolution to which he had alluded was brought forward, it had been stated, that the suspension of the constituent rights of the people of our colonies was to be the consequence of agreeing to that resolution, he for one, should have expressed in the strongest terms his reprobation of the measure, and he was sure that in pursuing such a course he would have been supported by the House, for no course could be more dangerous, nothing could be more hostile to the interest of humanity itself, than to establish anything like the principle, that the abolition of slavery was incompatible with free institutions. The prejudices entertained against Great Britain for granting negro emancipation were well known. It was well known that in the United States of America emancipation had been combated with double acrimony since this country had given freedom to the slaves in her colonial possessions; and how could they expect the United States to follow their example, if after they had abolished slavery they proclaimed the opinion to the world that the necessary consequence of negro emancipation was the abolition of free institutions. How could they hope that Virginia, Carolina, and Maryland, where the number of negroes was immense, would consent to give freedom to their slaves if they told the people of those states that the British Parliament deliberately considered, that emancipation without the abolition of free institutions was impossible. It was not on party grounds, therefore, that he would resist the measure which had been brought forward by the Government, but because he was persuaded that nothing could be more hostile to the interests of humanity, than the adoption of such a bill by which they would proclaim to other nations where slavery still existed that emancipation and free institutions were incompatible. But he had other grounds for opposing this Bill. He could not give it his assent, because he believed that the suspension of the legislative functions of the House of Assembly would lead to great and immediate evils in the administration of the affairs of the colony. He remembered, when the Reform Bill was under the consideration of Parliament, that one of the strongest arguments which had been urged against that measure was, that if it became law the difficulty which the colonies had in making their voice heard in the Imperial Parliament would be greatly aggravated when they cut off those boroughs by means of which they had, though very imperfectly, made themselves heard within those walls. But if, in addition to the provisions of the Reform Bill, they abrogated the local representation of the people of Jamaica, and dissolved the House of Assembly, then the effect would be that they would entirely silence the public voice in that colony, its influence would no more be felt, and they would hand over the Government to be administered by the absolute will of an individual who, as Secretary of State, would not act upon his own view, but upon the representations of a party, and under the influence of exciting topics and party feelings—not the surest mode of securing harmony, or the most likely way to promote the prosperity of the mercantile interests either of the colony or of this country. He should be afraid, if they did not interpose the authority of some one individual, or of some body in the colony, representing the wants and wishes of the colony, between the people and the Secretary of State, so as to give time for consideration to the Government at home, that the interests of all classes in the colony would be sacrificed, and that confusion and ruin would inevitably follow. But there was another ground for his opposition to this measure. Suppose the bill passed, had the Government calculated the results, and had they considered the consequences which would inevitably follow? By such a measure as the House was asked to agree to they would tell the negro population that the Imperial Parliament considered the House of Assembly unfit to legislate when their interests were concerned, and that if that body were permitted to continue, a majority of its members would remain hostile to the prosperity and happiness of those who had once been their slaves. They would thus encourage feelings of animosity betwixt the black and white population—foster those prejudices which were already so strongly manifested—prevent the two parties from living in harmony and peace; and when the operation of the bill was at an end, and when free institutions were restored, with what feelings, he would ask, would the two parties, thus long alienated and opposed to each other, meet in the same assembly for the purpose of legislating for their mutual interests, and for the general welfare of all? But there was another difficulty, of a different character, which would arise when the period of the suspension of the House of Assembly should have terminated. The Judge Advocate had told them, that the period of suspension would be occupied in making good laws, and in preparing the negroes for perfect freedom. The right hon. Gentleman had enumerated various laws which he considered necessary, and the adoption of which would cause a very considerable expenditure. He had said, that a law was necessary for the improvement of the gaols, and that a poor-law was also necessary, which would require the erection of workhouses, and it would be necessary to secure funds for the working of such measures. They were also to promote education amongst the negro population, and a considerable addition to the funds required for prisons and workhouses would thus be made. And how and by what authority were the necessary funds for carrying those measures into operation to be raised? Why, not by the will of the people, expressed by their representatives, but by the authority alone of the council which this bill would establish. And the right hon. Gentleman had told them, that when those laws were enacted, and when by funds so raised they had been put into operation, then they were to re-establish the Assembly, but there was to be no power given to that body to alter those laws in the slightest degree. Now, suppose such a proceeding was in accordance with justice, the question remains, what would be the consequence? At first there might be no collision, but when the blacks had acquired their due weight in the representative system, which, if this bill were not passed, they would soon obtain, they might rest assured, that the House of Assembly would, as it had before done, set itself in opposition to the Government at home, and the Government would then have a more powerful resistance to contend against, namely, the combined resistance of the whole population, the blacks as well as the whites. Those difficulties alone induced him to hope, that the House would never consent to such a measure as this. He would ask the noble Lord whether if, availing himself of the factious and improper conduct on the part of the Assembly in this particular instance, he should suspend the constitution of Jamaica, he thought he should carry the measure with that overwhelming majority which such a measure ought to command, much less with the unanimous consent of the House? Every hon. Gentleman who had spoken, had expressly stated, that it was not merely on account of the Prisons' Bill that the House of Assembly was to be suspended, because, having been accustomed to rule over slaves, they could not possibly make the laws which were necessary for the government of those persons who had been emancipated. Was that a just view of the case? If so, how could they approve of the suspension of the constitutions of all the other islands? He knew that the right hon. Gentleman, the Judge Advocate, had endeavoured to make out a case for Barbadoes; he had argued that, because Barbadoes had acted differently, and had acquiesced in the Prisons' Bill, why should Jamaica complain? He knew that the right hon. Gentleman was much encumbered with official business; but if he had looked minutely into the papers before the House, he would have found, that so far from Barbadoes being pleased with the Prisons' Bill, and cordially receiving it, it was said in an address of that body which was not so deeply imbued with prejudice as the Legislative Assembly—the Council,

> "They are unanimously of opinion, that the interference of the Imperial Parliament, as regards the arrangement and control of prisons within this colony, is a measure as unnecessary to the attainment of its objects as it appears harsh and distrustful towards the legislature of the colony, which in all its recent enactments connected with the improvement of its civil government, has, with the utmost sincerity, endeavoured to adapt its laws to those of Great Britain, as far as the state of society and its circumstances would permit."

And further,

> "With an anxious desire of the Barbadoes Legislature to improve the civil government of the colony, it cannot but be painful to the feelings of its members to observe with what an ungracious spirit, and in the absence of any specific charge of defective or contumacious conduct, the most sweeping enactment has been passed by the Imperial Parliament, superseding the colonial law, and paralysing the efforts of the colonial legislature."

If, therefore, the cordial acceptance of the Prisons' Bill was to be the ground of exemption from the penalty of this bill, surely Barbadoes could not claim the exemption, but ought to be made the subject of a similar attack. How stood the case in respect to these several colonies? Barbadoes passed a law for regulating the duties of masters and servants, and settling the modes of contracts. What was the fate of the bill? It was disallowed by an Order in Council. St. Vincent, Grenada, Tobago, St. Kitt's, and the Virgin Islands, each passed a similar law, and in each case it met with a similar effect. If he did not mention other cases, it was because the papers did not give him the names and necessary information. Similar proceedings occurred in relation to the law of vagrancy. The colonies had passed in the whole sixteen of these acts: thirteen were disallowed by orders in Council, with legal opinions as to the enormity of the enactments; one was not confirmed, because its enactments were objected to; and two were suspended. These islands had behaved far worse than Jamaica; they had not insulted the Government by doing nothing, but they had passed laws of so tyrannical a nature, that the Government had been obliged to disallow them. If, therefore, they would act justly to all, they must make this measure general. What was done by the councils of other colonies? St. Lucia passed an order in Council for regulating contracts between masters and servants; it came home, and it was disallowed. The case was precisely the same with regard to Trinidad and Demerara. Out of nineteen acts passed by the colonial councils, twelve were disallowed by the Government, two were repealed by orders in Council, one was not confirmed, two were suspended, one was pronounced to be seriously objectionable, but he did not find in the papers how it was disposed of, and one was allowed with a statement, that it ought to be amended. Viewing all these circumstances, could they call him unreasonable or factious, or acting as a mere partisan, when he asked them to interpose some little delay, to try if you could not persuade the Legislature of Jamaica to take into its hands the making of laws, which, if made by local authority, would be better than if made at home? And was there not the strongest possible reason for adopting the proposition of his right hon. Friend, rather than that of the Government? Even the Government itself had not felt altogether satisfied as to the course which they ought to pursue, for in the first place they propose, that this bill should continue in operation for seven years, then for five years, and now they had reduced the period to two years and a half; why did they refuse to allow the Assembly of Jamaica sufficient time for reconsideration of their conduct? When they were considering a bill of this sort, and when they were to decide that night whether the legislative constitution of Jamaica was to be done away with or not, might he not presume to state some circumstances which in his mind were grounds for making every possible allowance for their hasty, inconsiderate, and improper determination, for so it must be considered even by those who were most hostile to the bill? If he could establish such grounds, it would show a stronger necessity for not taking this step. It was perfectly well known, that by the contract of 1833, it was enacted, that a compensation should be given to the colonists for the emancipation of the negroes, and that compensation was to consist partly of money, and partly of an apprenticeship of seven years. It seemed good to the British Parliament last year to cut off two years of that apprenticeship; and the Governor of Jamaica urged upon the planters the responsibility and danger that would be risked if the apprenticeship system did not cease. Two stipulations were made by the colonists; one was a full compensation in money; another was, that they should not have any further interference with their legislative powers. To the first the Government gave a most decided negative; but to the second no answer was given. The cordial thanks of the Governor were presented to the Assembly for the course which they had pursued; but what must have been their impression after this, to find that the Prisons' Bill was proclaimed without any previous notice, and without reference to the Assembly at all? The right hon. the Judge-Advocate said, that it was not usual to make communications of such a nature. But in the papers before the House, there would be found instances in which the Governor, in opening the Session, announced measures to the Assembly, and promised to lay the despatches of the home Government before them. But in the case of the Prisons' Bill he took quite a different course. He told them that he had despatches, but he did not in the least degree hint that the bill had passed, nor was any communication made to them on the subject. Surely, after they had received a favourable notice of the course they had taken, and no objection had been made to their claim for the free use of their legislative powers, they could not but feel annoyed and irritated at the manner in which they had been treated by the Government. They were prorogued, and met again on the 8th of November; but was there anything in the speech of the Governor to conciliate their favour, or to make them acquainted with the course pursued by the Government? It was naturally to be supposed, that the Jamaica House of Assembly should, under such circumstances, break out into the use of expressions which, though not to be defended, were still unworthy to be taken up by a great and powerful country as a cause of quarrel. He wished to speak with every respect of the gallant Officer who now presided over the government of that colony, but he must say, that nothing could be worse than the course that gallant Officer had pursued in dissolving the Assembly which had come to these resolutions, and thereby compelling the members of that Assembly to go back to their constituents on the very grounds upon which they had quarrelled with the Government. The cause of the House of Assembly had thus been made the cause of the constituency, not a constituency limited to 1,000 or 2,000, but amounting to 50,000 persons, who at the present moment were in possession of the franchise. Let the House remember, that it was now discussing not merely the rights of the House of Assembly, but the rights of the whole constituency of Jamaica: take away the House of Assembly, and an injury would be committed upon that large community which had a right to have a voice in the enactment of the measure by which they were to be governed—to be heard against the laws by which money was to be levied upon them. If regard was had to the whole of this case, to the pecuniary losses suffered by persons in the colony by the withdrawal of a portion of the compensation—a circumstance which could scarcely be expected to dispose men to bow to the authorities—looking to the neglect which had been shown to the request which from the expressions conveyed to the House of Assembly by the Governor they had a right to expect would be attended to—looking to the mode in which the Prisons' Bill had been recommended to the colony, not as in Barbadoes by a message two, three, and four several times from the Governor to the Legislature—looking at all these things, could any man, if he placed himself in the situation of the House of Assembly, doubt that there were grounds for irritation, and that the measures followed by that body were not the unnatural result of the course taken by the Government? For these reasons it became the Imperial Parliament to allow a certain period to intervene before it adopted the extreme law which it was now recommended to apply to that colony. He was aware the Government of this country had strong powers, and had a full right to deal with the legislatures of the colonies; but the House should remember it had duties to execute as well as rights to exercise, and that it, therefore, ought to pause before it destroyed the constitution of the island, a constitution from which, in his judgment, great benefits and advantages had arisen. Let that constitution be continued, and he was satisfied that from it the best results would flow. Continue it, and the negro population would gradually introduce itself into the constituency—would gradually attain that fair influence in the representation which would secure to them proper protection. Let Parliament not break down the whole order of society, but permit the negro population to be absorbed into the constitutional body, as they must be under the colonial election law, if left in its present state; and thus would be secured to them the means of enacting for themselves those laws which would be but imperfectly framed, either by a Secretary of State or a Legislative Council of commissioners. It had been said, that the old elective franchise had been maintained for the purpose of excluding the negro population. This was rather a singular statement to make with respect to Jamaica; for it so happened that Jamaica was the only colony, since the passing of the Emancipation Act, which had made a reduction of the franchise, and that, too, expressly with the view of admitting those who before had been excluded. He knew that, in 1836, it had been attempted to introduce a law raising the landed franchise, or, in other words, the franchise derived from the occupation of land; but let the House look to the law passed in the year 1834, and it would be seen that, at that period, the qualification was the possession of house or lands of the annual value of 10*l.* currency, and yet, then, the very year after emancipation, the revolution was effected by the passing of a law to this effect, that,

> "Whereas it is expedient to extend the elective franchise in the island to many of his Majesty's subjects who have not heretofore enjoyed the same, be it enacted by the Governor, Council, and Assembly, that every person of full age, and not subject to any legal incapacity, (applying, therefore, to the white, the black, and the coloured population in the island) and who shall be liable to pay taxes and parochial rates in any parish to the amount of 5*l.* currency (3*l.* sterling) per annum, shall be entitled to vote for Members to serve in the House of Assembly, &c."

Thus, by the law, the mere payment of taxes, without the possession of landed property, was an admission to the elective franchise. This law would lead to the admission of the negro population, for the simple reason that they were the possessors, to a great extent, of cattle and horses, upon which the principal taxes of the island were imposed, and thus they would be enabled to exercise that influence over the members of the House of Assembly which would tend to prevent the persecution of the negro, would secure the passing of laws for their protection and encouragement, and would better prevent tyranny and oppression than any edict which could emanate from any three salaried commissioners that could be appointed. He then called upon the House to pause in its course, to give to the House of Assembly in Jamaica an opportunity of resuming its duties, to afford it time to adopt measures which were required. He called on Parliament to pause before it adopted a despotism which he was sure never could work beneficially, and which, when abandoned, would leave a greater degree of dissatisfaction and distress than that with which they had now to deal. Why not, at least, afford the Jamaica Legislature an opportunity to make some apology before the severest possible penalty was put on them as proposed? At least, then, suspend the punishment which the Imperial Parliament had power to inflict until the House of Assembly had been afforded a fair and full opportunity of expressing sorrow for the course it had pursued, and of resuming its functions with the view of acting for the welfare and benefit of the community for whose advantage it was intended.

Mr. *O'Connell* said, that the hon. Member opposite (Mr. G. Knight) was not the man who should circulate the calumnies which he had spoken to-night against the useful class of people to whom he had referred. It was not for any friend of humanity to do so. The charge which was brought by the hon. Member was that of decoying the negro population, and it came from a man who, speaking from his knowledge of Jamaica, and from his knowledge of property there, could have informed them of the eminent services of that portion of the population to which he had alluded. He was glad to find that the right hon. Gentleman who had last spoken was an advocate for popular rights, and he hoped to see him shortly enrolled among the Chartists themselves. He did not think that the right hon. Gentleman had been very fortunate in his illustrations. He had shown a number of the acts of the colonial legislature, exclusive of Jamaica, to have been disallowed. He did not say that any of them had been so disallowed improperly, but, on the contrary, his testimony appeared to have been given in favour of the Government which disallowed them. Then, what did this prove? The incompetency of that species of government which at present existed in the colony—without the utmost vigilance on the part of the Government at home to legislate for the negroes. The right hon. Gentleman said, "If you destroy the constitution of Jamaica, you must also take away the constitutions of the other colonies." Was there not this obvious distinction between the cases of Jamaica and the other islands, that although the legislatures of those other colonies passed acts proper to be disallowed, not one of them abdicated its powers by resolutions such as had been come to in Jamaica? The House of Assembly of Jamaica, however, had abdicated its powers: finding that it could not restore slavery in another shape, it had gone on with its functions until the communication had been made to them which had been referred to. Then, one would wish to see what the real question was, and what were the facts on both sides, and also where the difficulty commences, and the House would see, that little difference in reality existed between the two sides of the House on the question. First, they were agreed that the Prisons Bill was a very proper bill to be passed, and that it was necessary to pass it. Some, it was true, would say "no" to this proposition; and he had heard the hon. Member for London speak of it, as if he were not acquainted with the details of the evidence which rendered that measure necessary. The Prisons Bill had passed both Houses of Parliament without one dissentient voice. Some excuse had been made of its being passed without notice, but that was the idlest that could be made, because the learned gentleman, the agent for Jamaica, had actually protested against it, without finding it necessary to procure the assistance of the hon. and learned Gentleman opposite (Mr. Maclean); he supposed it was from his friend Don Carlos that he had learned a lesson upon the subject, to oppose the measure. The bill passed both Houses without a single individual protesting against it, and it was not impeached now. How then did the question arise? The Jamaica House of Assembly met after the bill had passed—on the 31st of October—and they said that they would not legislate. They would give up their objection if they were satisfied that the bill was to be repealed. Why, it was a little too bad for hon. Gentlemen to contradict this? They should read the last resolution, and they would then see the truth of what he said. The House of Assembly said, that they would legislate so far as related to the public credit, but beyond that they would not go. They took their stand on that point. The House then was prorogued and met again, and the subject was again brought before them; and then upon their refusing again to legislate they were dissolved; and then said the right hon. Gentleman,

> "The Governor has acted exceedingly ill, because the quarrel, at first, was only with the members of the House of Assembly, and ought not to implicate the constituency at large. He should not have dismissed the House; it was treating them ill; but at all events he should not have implicated the constituency."

If the Government had come to this House before it had come, without trying and appealing to the constituent body in taking the chance of the second House of Assembly, then, indeed, they would have been liable to much stronger objections being raised against their proceeding than those which had been brought forward by the right hon. Gentleman, for they might have been accused of being hasty indeed, without appealing to the constituency. They, however, allowed the constituency to embody themselves in the Legislative Assembly. They returned a second time to the Assembly, and met with a reiterated refusal, and what was then to be done? Would the House withdraw the Prisons Bill? They did not talk of doing so. The House of Assembly would not legislate unless they did. Three times the opportunity had been given them, and three times they had refused, and then there came a sort of whining appeal for a postponement—to give time to allow them to consider of their proceedings. They had been tried already. They had been tried three times, and the trial had resulted in a total refusal to legislate. The House might try them again, but when was there to be an end of it? How were the negro population to be protected? How was the public business to be done, while they were making these experiments? They had had three refusals to pass the acts which were necessary, and then a statute was sent out, and if proper feelings existed they would soon have the repeal of this bill. But if that measure had not been passed, what would have been the situation of the country unless they had the power to pass laws to protect individuals? But did they forget the case made out to justify the passing of the Prisons Bill—did they forget the horrible scenes which had been proved in that House to have taken place? They did not want the Jamaica legislature, however; that legislature had never yet justified any prophecy which was made of its affording protection to the negro population. In 1823 resolutions were proposed in the House by Mr. Fowell Buxton, to which Mr. Canning proposed amendments, and he held out a prospect of the Jamaica legislature supporting the interest of the negroes; but was he not completely deceived? In 1824 orders in council were sent out to all the chartered colonies, with a desire that they would enact the provisions mentioned in the details of those orders; but did one of the colonial legislatures adopt any of those provisions. Again in 1826, resolutions were again brought before the House on the failure of the colonial legislature to enact anything for the protection of the slaves, and Mr. Canning, in a speech which he made, said that they were to test the colonies—that he would give them another *locus penitentiæ*, and further time to repair the error which they had committed; and did they not still resist with as much perseverance, as if the proposition which was made was unfit for their notice? In 1828, Sir George Murray sent round his circular to procure some mitigation in the severities of slavery, but was it not sent in vain? But an order in council was once again sent in 1830, which was treated with equal contempt. What chance was there then that the Jamaica legislature would retrace their steps, more especially when it was recollected that in 1833, so large a sum as twenty millions of money was voted to be given so soon as the colonial legislature should satisfy the Government that they would work out the details of the measure of emancipation; and that confidence being had in them, the money was paid before means were taken to carry out the measure, and in return for that confidence, this House was most punctually deceived. It became necessary then that this act should be carried. But was there ever anything so horrible as the conduct of the legislature and the planters during the interval? Did the House forget the harrowing details of the cruelties inflicted on the males, and especially on the females? There was an arrangement before, that women were not to be flogged, but it appeared that cruelties were practised which might have continued to this moment, and which would not have been believed, if one man, Joseph Sturge, had not gone to Jamaica, and saw with his own eyes that they were committed. Here was an account of one of the worst of those acts of cruelty:—

"The tread-mill at this workhouse is a cylinder about eight feet in diameter, with broad steps. The handrail above it has eight pair of straps fastened to it, with which the wrists of the prisoners are always secured. The board under the rail descends perpendicularly, and not in a sloping direction, towards the mill, and does not, therefore, afford them the slightest protection when they lose the step and hang by the wrists. In that case, the sharp steps of the mill, which project twelve or fifteen inches from the cylinder, must revolve against the bodies and legs of the prisoners with torturing effect. Such are the faults in the construction of the mill, and the results are such as may have been anticipated. Every step is stained with blood, both recent and old; the former being that of the poor old woman whom the deputy mentioned to us. It had been shed so profusely, that even the sand on the floor was thickly sprinkled with it.' "

The British public had paid twenty millions, in order that these cruelties might be put a stop to; yet here was evidence of their being afterwards carried on to an extent at which human nature shuddered. He would read another instance from the same authority:—

"24th.—We went this morning to see the tread-mill at six o'clock, at which time the prisoners sentenced to this punishment are put upon it previously to their being sent to the penal gang. Two mixed gangs of men and women were put upon it during our stay; the latter had no suitable dress, and were, therefore, liable to be indecently exposed. The lever, by which the speed of the wheel is regulated, was held the whole time by the driver, who sometimes relaxed his hold for a few seconds, which made it revolve with such rapidity as to throw all the prisoners off. It is thus evident that the punishment may be increased beyond endurance at his caprice. Nearly all the prisoners were dreadfully exhausted at the end of fifteen minutes. One of the prisoners told us he was sent because a cattle (a steer) died under his charge. We observed this morning, that not only was the floor sprinkled, and the steps stained, but the very drum of the mill was spotted with blood."

These were not mere single isolated cases, as would be seen from the evidence of John Williams, the black man who was brought over to this country, and whose statements were confirmed by the report of the commission afterwards sent out to Jamaica. Among many other statements he made was this:—

"The workhouse was quite full this time, they hardly have enough collar and chain to put on all the people; they were obliged to take off the collar and chain from some of the life people (convicts for life) to put on the apprentice; and at night there was'nt enough shackle to fasten all the people, and hardly room enough for us all to lie down. There was a great many women in the workhouse, and several have sucking children; and there was one woman quite big with child, and 'them make her dance the mill too morning and evening; she not able to dance good, and them flog her; she complained about her stomach hurt her, and I see her several time go and beg the overseer not to work her on the mill, but him say, not him send her there, and he must do his duty. All the women that not able to dance was flog most dreadful, in particular all the women from Hiattsfield. There was twenty-one women from Hiattsfield, and one man—several of them have young children; I think they was in for fourteen days. I found them in when I got there, and they was let out on Saturday night; I was present when they let out, and I hear the list call, and counted the people, and it was twenty-one women from Hiattsfield. When I go to the workhouse on the Tuesday, there was only three of these women able to work in the field, all the rest was in the hospital, from being cut up with the mill and the flogging; them all look quite shocking when them let out, some hardly able to walk to go home, and the most lively among them was all smashed up with the mill, all the skin bruised off her shin.' "

This was followed by an enumeration of a number of other similar cases. The report of Captain Pringle, the gentleman who was afterwards sent out by Government to Jamaica, also went strongly to confirm the statements made of the cruelties practised. Captain Pringle's report had this passage:—

"Prisoners, on being brought into houses of correction, are immediately put in couples, by an iron collar round the neck of each, connected by a chain six feet long, and from three to four pounds weight; but men and women are chained separately, and in this manner they are sent to work on the public roads, men and women in the same gang, under the boatswain. The supervisor, or sometimes the boatswain, chains such prisoners together as he chooses, commonly two of unequal strength, to allow less chance of escape. I have thus sometimes found a convict for life chained to a boy on his first committal to prison, and in the same manner girls to old offenders."

Yet while all these cruelties were notoriously practised, the Jamaica legislature remained totally silent with regard to them, and made no legislative enactment for the protection of the unfortunate victims. The Imperial Legislature were, therefore, bound to pass a protection act, and they did pass it; upon which the Jamaica legislature mutinied, turned out, and refused to legislate any longer. Then what remained for the Imperial Legislature but to suspend the constitution of Jamaica until they could make such provision as would render it impossible for those abuses to be continued. That there was no hope of justice from the Jamaicans would appear from the dispatch of Sir Lionel Smith, of the 10th Sept., 1838. Sir Lionel's words were—

"From the attachment of the people to their old locations, they must be reduced to the employer's own terms of wages, or be driven off the properties as vagrants. Then I beseech your Lordship to look to the provisions of the local Vagrant Act, unrepealed, 35 Car. II., c. 11. This act was introduced against the lawless soldiery of Governor Doyley; and many violent planters are now rejoicing in the power it gives of flogging free men from parish to parish; and there is an improvement in its penal powers by 32 George 3rd, c. 11, still unrepealed, which adds six months' hard labour in the house of correction. Your Lordship may bid me apply to the Legislature to repeal these frightful laws, but I should apply in vain; and in the midst of freedom we have still terrific engines of oppression and tyranny preparing for the emancipated population."

Such being the state of the House of Assembly, what would become of Jamaica if the House refused to pass this bill? Would it not go out to the House of Assembly, that they might henceforward go on with impunity, there being a powerful party in the British Legislature ready to protect them in all their misdeeds? Talk of the constitutional rights of the negroes, where were they? What prospect was there of their ever being able to exercise them? Fifteen months must elapse between the registration and the final acquisition of the power of voting in Jamaica. The number of negroes able to acquire the right of voting would be wretchedly small. If they were not, would not the able advocate of the West-India interest at the bar of that House have taken care to bring forward a list of them? Was there not in the island a vigilant aristocracy, whose interest no less than their disposition it was, to prevent the negro from even acquiring the amount of property necessary to entitle him to the right of voting? There would be no difficulty on their parts in devising expedients by which the poor negro would be effectually baffled. They had but to make a slight allegation on the nature of the tenure, in order to prevent the negro from acquiring a freehold interest. They might make leases for short terms, or make leases by trustees. When the mode of defeating the object of the negro in acquiring a freehold was so very simple, could there be a doubt, that the planters generally would adopt it? The feelings by which they were actuated would be sufficiently clear from a passage which he would read from the Marquess of Sligo's pamphlet:—

"Many instances of the masters destroying the crops of the negroes from wanton spite, have appeared in the police reports of the Jamaica papers. In no case, with perhaps a few exceptions, have the agreements for the taking of the houses been entered into for more than a quarter of a year, in order that the owners may have, as they freely admit, the means of turning the occupiers off the lands if they will not work. In other cases, they let them merely their houses and gardens, with the acknowledged object of accusing them of trespass, in case they plant provisions in the usual provision grounds, if they cease to labour regularly for the estate."

Destroy the crops of the negroes in wanton spite! In England would hon. Gentleman associate with men capable of such an outrage? Yet they scrupled not to leave to such men an unlimited power of legislating in regard to the affairs of these objects of their hatred. He confessed, that he rather rejoiced that these planters had given the British Legislature a reason for suspending altogether their right of legislating, and for substituting something better in its room. In consequence of the Assembly's refusal to legislate, no fewer than seventeen laws were either expired or expiring. If this bill were not passed, and the Legislature met again, was it likely that they would retract after such an exhibition of the opinion of the House of Commons? On the other hand, was that House prepared to retract? Were they ready to repeal the Prisons' Act? Certainly not; no one talked of it, or entertained the idea for a moment. Still less likely would the Colonial legislature be to retract, after having achieved such a triumph over the British House of Commons, as the rejection of this bill would be. Then why delay to give the Government the powers they require for the protection of the negroes? In the present instance, there had been a voluntary abdication of the legislative functions by the House of Assembly, so that there was no necessity, as there had been elsewhere, for destroying the legislative government in order to effect the object which the Imperial Legislature had in view. He called upon the House to see that the English people had the benefit of the money they had paid for the emancipation of the negroes. The question of emancipation or no emancipation depended upon the decision of the House on this bill. If the bill was not passed, and it went out to

Jamaica that the colonial legislature had gained a victory over that House and the British Parliament, the consequences must be fatal. The power now sought to be vested in the Government would, they were told, be liable to be used despotically. But it would be exercised under the control of the British Parliament. On the one hand, there would be a jurisdiction depending upon that House—on the other hand, there would be a jurisdiction independent of all control. With these views he, for one, did not hesitate to vote for this bill—a bill which did not take away a constitution, but provided for the difficulty created by the existing constitution having been stopped in its progress.

Mr. *Gladstone* said, that it had to him been matter of much regret to hear the noble Lord opposite declare, that the Government could not assent to the proposition of his right hon. Friend. Whatever difference of opinion might exist as to the merits of this bill, the House must be pretty unanimously agreed upon this point, that the bill, for all practical purposes, was already defunct. They must also admit it to be sound in principle and judicious in practice, that an extreme course like that which was proposed, could only be called into action advantageously by an united Legislature. The division of opinion in that House was known to be such, that it was hard to say whether the bill would ever reach a further stage. His right hon. Friend opposite, when he spoke in behalf of the Government measure, had taunted the right hon. Baronet with having made this a party question. He was, therefore, not a little surprised to hear the hon. Baronet, the Member for Warwickshire, declare, that he would vote against the right hon. Baronet's proposition, "because he had declared, that this was not a party question." It was rather hard that his right hon. Friend should have his supporters voting against him, because he did not make this a party question, and should be taunted by hon. Members opposite with having so made it. Who, he asked, had made this a party question? Why, the noble Lord opposite, when, for a particular purpose, he introduced a bill which he knew could not be brought into active operation. Why expose the division which prevailed in that House in the face of the colonies? Why exhibit the British Parliament in a light in which it had not been presented for many years before, with reference to any one of the colonies of England? Because the noble Lord well knew, that to exhibit himself in the eyes of the country backed by a majority on a question like this, would, as affording an apparent indication of the security of his entire policy, be a satisfactory result indeed. The bill must be considered in one of two lights—either as a penal enactment, or as passed upon grounds of general policy. When it was first introduced, it was presented in a purely penal light. The House heard nothing, then, of grounds of general policy. The hon. Member for London had said, in the course of his speech that night, with great truth, that the principle of a bill like this should be stated distinctly in the preamble, or not introduced at all. This principle of giving expression to the main principles of an Act of Parliament in the preamble was a great security to the liberty of the subject. The principle should most of all be insisted upon in such a bill as this, which took away the political franchise. The House of Commons should, in such a case, invest itself with a judicial character, and adhere most strictly both to the form and the substance of justice. What ground was there adduced for this as a penal measure? It was stated by the hon. and learned Gentleman, the Member for the city of Dublin, that there was an obvious difference between Jamaica and the other West-India colonies, inasmuch as the Jamaica Assembly had abdicated its functions. When the right hon. Baronet, the Under Secretary of State for the Colonies introduced this measure he made a similar statement. He said, that the Assembly had refused to act, unless upon the condition that the Prisons' Act would be repealed. Now, it was his belief, that but for a very singular misinterpretation of language, the measure which was now under the consideration of the House never would have seen the light. Almost every hon. Gentleman who had spoken on the opposite side during the course of this debate had abandoned, as untenable, the supposition that the Assembly had demanded the repeal of the Prisons' Act. But the hon. and learned Gentleman who had last addressed the House had done his utmost to demonstrate most convincingly, that he had not done that which he had recommended other hon. Members to do—namely, read these resolutions. With reference to the demands of the House of Assembly, the charges which were brought against them were, first of all, the strong, improper, and indecent language which they had thought proper to use in the protest with which they accompanied the Act of Emancipation. He would pass by that language; because, however reprehensible its use must be admitted to be, hon. Members would scarcely contend that it could form any substantial ground for superseding a legislative body in the exercise of its constitutional functions. The next charge brought against them was their allegation that the Prisons Bill was not law. Now he did not conceive that any one could be so ignorant as not to know that the opinion of individuals on the question whether an act of Parliament has or has not the force of law, can have no value whatever attached to it in respect of the position which they hold. The next charge preferred against the Assembly was, that they had threatened to stop the supplies. It might be right, with reference to this subject, to point out to the House that there was a peculiarity in the terms employed—"preserving inviolate the faith of the island with the public creditor." This was the very phrase used in the speech which had been addressed to the Assembly by Sir Lionel Smith. He supplied the terms, and they re-echoed them. It was a matter of course in Jamaica. By that expression they did not mean to imply what we call "passing the supplies." The expression was with them a matter of course. Accordingly it was found in the speech of the Governor, and was re-echoed by the Assembly. The last and more serious charge was that respecting the Prisons Act. Did the hon. and learned Member for Dublin adhere to the allegation that the Assembly called for the repeal of the Prisons Act? In the fourth resolution of the House of Assembly they stated that "they would abstain from the exercise of any legislative functions, except so far as was necessary to preserve inviolate their faith with the public creditor, until her Majesty's pleasure should be made known whether the people of Jamaica should be treated as her loyal subjects." Unless the hon. and learned Member possessed some instinctive knowledge, could he say that in that resolution there was anything about a repeal of the Prisons Act? He contended that the sentiments of the Assembly had been misinterpreted; and to this he attributed the introduction of the present measure. However, it was true that the House of Assembly had demanded something, and he lamented that the assurance which the House of Assembly sought had not been given them; how easy would it have been for Sir Lionel Smith, without sacrificing anything of his high and honourable character, to have assured the colonial Legislature of the desire which was felt by the mother country to secure to the black population the full and entire enjoyment of the blessings of liberty in such a manner that united with the white people in friendly and harmonious intercourse, under the influence of an enlightened government, they might co-operate with them in the exercise and enjoyment of their common rights and privileges. If the recommendation of the Governor to the House of Assembly to pass legislative measures had been accompanied by an assurance in that spirit, it would doubtless have met with due attention, but if it had not, it would only have been necessary for his right hon. Friend the Under-Secretary for the Colonies to point out such a contumacious refusal of the colonial Legislature, and this bill would have passed without a dissentient voice. Such an assurance might seem a matter of very small momen in the eyes of some hon. Members, and it was very easy for persons living in this country to laugh at these notions of colonial punctilio: they might think that it would have been more dignified for the House of Assembly to forego the consideration of the point of honour, and to proceed in the regular exercise of its functions under a protest that it could not allow the Imperial Legislature to deal with matters of internal regulation in the colony. But, whatever might be thought upon these points, it could not be said, that the passing of the Prisons Act did not give the House of Assembly a plausible ground for expostulation and remonstrance. It was a mistake to suppose, because that act had passed without opposition, that the Members of that House were effectually precluded from making any observations now upon it. There were many motives which induced the House to pass that measure; as far as he himself was concerned, his principal inducement to support it was undoubtedly his approval of the substance of the bill in the main, but he was not ashamed to say, that one very great reason for his assenting to the provisions of that enactment as they stood, was his conviction, that in the excitement of the public mind at that period upon the subject of negro emancipation, it would have tended to produce still greater irritation, if any opposition had been offered to the bill by those who were known to be interested in the sugar plantations in the island. What, then, did he now say concerning the passing of the act? Why, he would say this, that while he adhered to the substance of its provisions there were circumstances both in the mode of passing it, and in the frame of the measure itself, which made it fairly the object of complaint and censure. In the first place he thought the extrem haste with which the measure was pressed through Parliament would be difficult to justify; no such extraordinary expedition had characterized the preliminary proceedings of the Government in this matter. Captain Pringle did not arrive in Jamaica till the end of November, 1837, although the commission was issued in May, he quitted the island in February, but the House of Assembly was not then in the possession of his report; no further step was taken till July. Now, if Captain Pringle had been sent out in due time, and if his report had been sent home at once, and had then been referred to the House of Assembly, it would have been known whether they were sincere or not in their professed intentions of making improvements themselves in their prisons. The Government had not thought proper to act in this manner; they had wasted time in their preliminary inquiries, and then had been obliged to pass the measure with the utmost haste and precipitation. That, however, was not all; not only had the Government been guilty of losing time, when time was so extremely valuable, but in the form of the Act itself they had departed from the course which had been followed in every other Act by which colonial Legislatures had been interfered with. The Act of emancipation in itself was in the nature of a compact between this country and the colony, and was accepted and dealt with as such by the Colonial Assembly. Since the passing of that Act three other Acts had been passed by the Imperial Legislature with reference to colonial government. The first of these Acts expressed by its preamble that it was passed for the purpose of carrying into effect the purposes of the Abolition Act, and its provisions were extended by another Act passed in the following year. The second measure to which he referred was that relating to West-India judicatures, which stated in its preamble the circumstance which justified the interference of the Imperial Legislature, for it recited, that "by reason of the separation of the Governments of the said several islands, and of the General Assemblies thereof, such courts of judicature could not be erected without having recourse to the assistance and authority of Parliament;" and the Act expressly provided, that it should not come into operation unless the Legislative Councils and General Assemblies of the several islands should have first provided that all Acts, laws, and usages, then in force, so far as the same should obstruct the operation of the Act, should be absolutely repealed or annulled. Such was the regard shown the local Legislatures by this Act, which was considered as a boon by colonies to which it extended. No argument could be drawn from that Act, therefore, in favour of interference with the provincial Assemblies. The third enactment to which he referred was that which passed just twelve months ago; he meant the Act Amending the Slavery Abolition Act; and that measure especially referred to, and founded itself upon the original contract contained in the Abolition Act itself, being in fact designed to carry out the provisions of the 17th clause of that statute. That was, therefore, only part of the agreement that had been expressly entered into between the colony and the mother country. It did not assert any general right of legislation on the part of the Imperial Parliament, it only said,—"Whereas it hath since appeared, that further provisions are necessary for the protection of the apprenticed labourers in the colony, and for giving full effect to the intent and meaning of the said Act." Up to the time, therefore, of the passing of the Prisons' Act, there was no ostensible interference with the local Legislature. What, then, was the shape of that Act? Why, precisely the same as if it affected the county of Middlesex; no notice whatever was taken of the privileges of the colonial Legislature; its preamble was simply this:—

"Whereas it is expedient to make further provision for regulating prisons in her Majesty's colonies in the West Indies, and for the superintendence and care of prisoners confined therein, and for the due discharge of their duties by the keepers and officers of such prisons."

Now, when it was considered how jealous colonial legislators were of the interference of the British Parliament, a jealousy far from culpable, being founded upon a love of freedom, could it be at all a matter of surprise that the House of Assembly of Jamaica should be anxious to learn what was the nature of the claim made by the mother country, when she passed a measure of this kind without thinking it necessary to justify it by reference to any compact, or to accompany it by any provision recognizing the previously acknowledged rights of the local Legislature? Was the mere demand of such an explanation at the hands of the mother country so high an offence as to incur a total forfeiture of all the rights of the colony to govern itself? There was another circumstance to be adverted to. The Prisons' Act was an incomplete measure. Further legislation was requisite to give effect to its provisions. No power of raising money was given by the statute, therefore without a further measure it could not be carried into effect. Might not the House of Assembly apprehend, from the way in which their rights were overlooked in the Act, that further aggression was contemplated in the bill which would have to be passed to carry out its provisions? And was it unnatural or deserving of any violent reprobation in the House of Assembly to say, "We wish to know whether the intention to deprive us of our legislative functions, which appears ostensibly on the face of the Prisons' Bill, really exists on the part of the British Parliament?" For these reasons, therefore, he thought it was not too much to assume that there was no ground to support the present bill as a penal measure applied to the Assembly for its conduct with regard to the Prisons' Bill. Then as to the more general charges of misconduct brought against the Assembly, and now put forward as the ground of this bill, notwithstanding the frame of its preamble, he had not heard anything like an answer to the argument of his right hon. Friend the Member for Tamworth upon the subject of the commendations passed upon the conduct of the Assembly, not merely by individuals in private capacities, but by Governors and Secretaries of State. Did Ministers, when they congratulated Sir Lionel Smith upon the good understanding between him and the Assembly, intend to abrogate the functions of that Assembly? If they did, they were guilty of as bad faith as any which they laid to its charge. If he were asked his opinion concerning the general nature of the measures passed by the House of Assembly, he should say, they were not such measures as would have been passed by Englishmen residing in this country, nor such measures as would have been passed by impartial men; but then great allowance must be made for the feelings and the prejudices which the situation in which the persons composing the Assembly were placed; even the advocates of emancipation loudly declared what were the effects of a system of slavery on the tone of mind and thoughts of those who lived under it, and it was not to be expected that persons so situated should be exempt from the influence of the circumstances in which they were placed. But if those measures were made the ground of the present bill, why had the bill not been brought forward before? If not, why was the bill brought forward now? In 1837 no such charge was brought against the House of Assembly, and in 1838 less charge could be brought against them than at any previous period. It could not be charged upon them that they had in that year refused to legislate on the subject of prisons, for it was understood that no measure could be taken till the result of the inquiry which was then pending was known. How could the Government blame them for not legislating when they had not given them the materials which they declared to be necessary for the purpose of legislation? On the grounds of the general conduct of the House of Assembly, therefore, there was no ground either for the present bill. Nothing like a precedent could be found. Our history was long enough; a sufficient portion of it related to colonial assemblies, and refractory colonial assemblies too. Look at the instance of Canada; there the supplies had been stopped for four years together, and that was not considered a sufficient ground for suspending the local Legislature. The suspension did not take place until the country was actually in a state of rebellion. He contended, that inasmuch as no notice had been given to the House of Assembly, that House was not in a condition to pass such a measure as that before them, and that it was not consistent with common honesty to go on year after year, commending the conduct of the Assembly and encouraging them in the course which they were pursuing, and then at last to turn round and make this very conduct of theirs the ground of a penal measure. But it was said, that the passing of certain necessary measures would be prevented by the present conduct of the House of Assembly. Now, what were those measures? The right hon. Gentleman mentioned the law of militia, and said, that he apprehended danger to the peace and tranquillity of the island, because the Governor, as the law stood, had no power over the militia. He was sorry to be obliged to contradict the statement of the right hon. Gentleman who, being connected with the Colonial Department, ought to have known better, but he must take upon him to assert, that the Governor of Jamaica was Captain-general of the militia of that island—that as Captain-general the Governor had absolute power over the militia, and that this power had been exercised by the Duke of Manchester when he prohibited the meetings of the militia. Now, with respect to the Vagrant Laws, it was said, that the Act of Charles the 2nd authorised the infliction of stripes upon vagrants; but was not that Act forgotten, and could it be denied, that the Vagrant Laws of Jamaica followed the Vagrant Laws of England? The fact was, that these laws were less stringent, less severe upon the negroes than upon the planters; and therefore there could be little doubt that the planters, or their representatives in the House of Assembly, would gladly co-operate with the Legislature of this country in making whatever changes might be necessary in these laws. Then with reference to the law of contracts. It was not the negroes, but their employers, who were suffering for the want of such a law, and as far as they were concerned, their wish was that a law of contracts should be passed. The next point was that relating to the law of ejectment. He admitted it to be right and proper that the black population should be able to obtain holdings at moderate rents, at as low a rate of charge as possible; but what was the fact with respect to the law of ejectment? Why, that there was no such remedy in Jamaica, and that the owner of land in the island had no possible redress from the absence of such machinery. With regard to the unoccupied land, it was complained that there was not enough of restriction, and the hon. and learned Member for Dublin said, that this would enable the combination of planters to prevent the negroes from obtaining freeholds, and, consequently, the elective franchise. It was, however, beyond a doubt, that land was sold to negroes, and, as the price of land became enhanced, would it not operate as a temptation to the proprietors to sell? In this way the acquisition of freeholds by the black population would proceed, gradually it was true, but, at the same time, certainly.

The hon. and learned Gentleman also said, that the time proposed for this Bill would nearly become elapsed before any negro would come into possession of the elective franchise. Now, here again the hon. and learned Gentleman had shown a want of knowledge upon the subject, because the period required respecting negroes who had a 50*l.* lease, or a 10*l.* currency freehold, or who paid 5*l.* of currency in direct taxes, was only twelve months, which they might date from the 1st of August last. It had been called fifteen months, but that arose from a confusion of registries, twelve months being named in one and fifteen in another. The negroes would, therefore, be entitled to the elective franchise on the 1st of August next, a very short time indeed after this Bill, if it were to pass, should have become law. Who did not see that the present law of franchise was, as acknowledged by the Government, not too restrictive, but too wide—that the people got possession of the franchise not too slowly but two rapidly—and that they got it, in fact, before they were capable of properly exercising it? There were despatches of Lord Glenelg to prove that the Government concurred in the opinion that the franchise was too wide. Whether it were or were not might be a question of secondary importance. For his own part he had great confidence in the disposition of the negro, and he did not anticipate any collision between him and the proprietor, when he should come into possession of the elective franchise. So far as experience already went, the admission of the colonial population to the enjoyment of civil rights and the political franchise had tended, not to produce dissension, but to amalgamate them together. What became of the arguments of those who advocated the suspension of the constitution of Jamaica, while they at the same time called themselves the friends of popular assemblies, and spoke of educating men by the political franchise, when it was clear that the negro, if this Bill should not pass, would at once, and to a great extent, become entitled to the possession of that franchise? In the evidence given before the Committee of 1836 he found the following, given by Mr. Beaumont, a man of considerable talent and intelligence, and well known in the island of Jamaica as a friend of the negro. In answer to a question put to him, he said:—

> "I believe that when apprenticeship shall be abolished, or at all events, at the very furthest, in one or two years after, when the elective franchise will be exercised by a large number of persons, they will become proprietors of land, and, as the qualification is extremely low, amounting in towns to somewhat like universal suffrage, the negro population will have ample opportunity of protecting themselves."

This Gentleman whose sympathies and prejudices were entirely on behalf of the negro, and who incurred great unpopularity in Jamaica on that account, clearly showed that they would and must come into possession of the franchise under the present laws. He further stated:

> "In the large towns where the elective franchise is in the hands of blacks and coloured persons, there is a much better state of feeling than previously existed; the parties are necessary to each other, and by the independence attached to political control have learned to respect, instead of despising and hating, each other."

Upon the ground of expediency it was rather confidently urged, as a reason for passing this bill, that, after a period of animosity and ill-feeling in connexion with slavery, it was necessary to interpose an intermediate term during which all those heats might be allayed in order that the constitution might be renewed when the minds of men were better prepared for it, and better calculated to make it work advantageously. He contended, on the contrary, that this measure was objectionable because it interfered with constitutional rights, because it made light of the political franchise, because it proceeded upon allegations which were without foundation, and because it was in direct opposition to the principle of expediency with reference to the composition of constituencies. It was much more desirable, in his opinion, that the franchise should be gradually extended, than suddenly increased; that it should be increased from year by year, rather than be suddenly extended so as to let in great masses to swamp the constituency at once. Then it would happen that, instead of the black race being absorbed into the white, the white would be absorbed into the black. He wished to avoid both extremes, and by making it gradual, to prevent the danger while he secured the benefit of it. Common expediency, therefore, common prudence, and a desire to promote the harmonious progress of the great measure at present in operation, tended precisely to the same result as all other considerations—namely, to show that this bill ought not to be passed. There was only one point more upon which he wished to offer a few remarks. It would be recollected that the Assembly of Jamaica had positively tendered to the Government the grant of the supplies. Was it, then, to be supposed that they were to deprive the House of Assembly of that privilege? Had not Sir Lionel Smith allowed them to discharge that function? Was there not upon the statute-book a declaratory act which stated, that this country would not interfere with colonial taxation upon any pretext, or on any consideration, except for the regulation of trade? That act stood unrepealed upon the statute-book; it was no dead letter; it was the foundation of all harmony in the British colonies; it was the foundation of whatever confidence subsisted in them with reference to the Home Government; it was the great charter of colonial liberty; it was an act which he thought hon. Gentlemen opposite would not dare (he did not mean to imply even that they would venture) to repeal; yet, what were they going to do in the case of Jamaica? To refuse her offered supplies, in order that they might make a new constitution. At any period, and from any Parliament, however constituted, that would be a strong measure; but, at this period, and in a reformed House of Commons, and as emanating from a liberal Government, hon. Gentlemen could hardly be aware that they were about to pass a bill—not to pass it, for that they were not about to do, but to ratify and sanction a bill which positively refused a tender of supplies from our fellow-subjects in Jamaica, made by them in a constitutional form, and which proposed, under the pretence of necessity, to erect an unconstitutional tribunal, by which those supplies should be granted. It was because this bill proceeded upon allegations which were unfounded; because the general charges made by the Government were incompatible with the language which they themselves had used towards the Assembly of Jamaica; because that which the Assembly at this moment demanded, was not a repeal of any act of Parliament, but, on the contrary, an assurance in itself perfectly reasonable and justifiable; and because this measure was most inconsistent, and, on the ground of prudence, most inexpedient, inasmuch as it would perpetuate the disunion which existed between the different classes of the community, that he ventured to hope that the majority of that House would not give their sanction to it; confident, as he was, that if they did, such an act could only tend to bring the sovereign power of Parliamentary legislation into general discredit, and to shake the confidence of our colonial fellow-subjects throughout the whole circle of our colonial possessions.

Sir *S. Lushington* said, that the hon. Member who had just sat down had characterised this bill either as a penal measure, or as one of general policy. Now, as he (Dr. Lushington) was not disposed to abide by the classification of the hon. Member, he would take his own ground, and state the reasons which induced him to support this bill. He supported it on the ground of its imperious necessity—for the purpose of doing justice and affording protection to 300,000 British subjects; because he in his conscience believed that the continuance of the present state, he would not say of law, but of misrule and disorder, was as destructive to the great commercial and agricultural interests embarked in that island as he knew it to be injurious to the peace, happiness, and comfort of that colony. What he wanted for those subjects was, equal laws, protection to their property, encouragement to industry, security for their acquisitions, and above all, what the hon. Gentleman who spoke last had not touched upon—an easy and effectual mode of obtaining payment of their wages. That the British Parliament had never parted, directly or indirectly, with the power of legislating for the island of Jamaica, he maintained to be a constitutional doctrine. In a statute of George 2nd, he found it enacted, that all property in that island, clear and personal, should be considered assets for paying certain debts. A subsequent act prohibited the Assembly from passing any resolution whatever to raise money upon bills of credit. A third act was passed, respecting who should be considered as credible witnesses to a will. The hon. Member had put a construction on the 18th George 3rd, as if the Imperial Parliament had renounced the right to legislate for the colonies; but the construction he (Dr. Lushington) put upon it was, that it had renounced the right of levying taxes in the colony for the purpose of raising a revenue. He maintained the doctrine that the British Parliament had not deprived itself, and could not deprive itself, of its transcendental power by any act. But, though he maintained this doctrine, he did not think that that power should be resorted to on all occasions. He thought it safer to leave to the Legislature of Jamaica the management of their own affairs; and he admitted to those who opposed this measure, that when he supported this interference with that Legislature, the *onus* lay on him to show the necessity of it. A great deal had been said about the preamble of the bill, and whether the bill was to be supported on that ground. He did support the bill on the preamble; but, because he did so, was he to discard all other circumstances. Was he to disregard the history of past times? Was he to shut his eyes to what the Legislature had done, or had omitted to do? Was he not to consider the whole extraordinary combination of circumstances as a great ingredient in the question now to be determined? He had said, that he supported the Bill on the preamble. The preamble puts the measure on its necessity from the conduct of the Legislature of Jamaica in 1838, and though a totally different construction had been put upon the conduct of that Assembly on one side of the House and the other, one thing was clear, that there was an abdication of their functions, at a moment of the greatest emergency, at a period when they themselves admitted, in the most direct and significant terms, their knowledge of the emergency, and their recognition of the necessity for immediate legislation. They had had time given them for consideration, and they had determined to persevere in their refusal. Six or seven weeks had been given them, and, after ample time to learn the state and condition of the island, and again they adhered to their abdication. It had been ingeniously suggested by the hon. Member, that they had not demanded the repeal of the Prisons Bill; but what construction did they put on the West-India Prisons' Bill? If the West Indians in this country were well acquainted with the feelings of the House of Assembly, the hon. Member must have been aware that the House of Assembly required that the British Parliament should renounce its functions. The hon. Member talked of an alternative; what was the alternative offered? Was this house to shape some humble request that the House of Assembly would please to rescind its determination? The resolution of the House of Assembly closed as follows:—

> "Until her Most Gracious Majesty's pleasure shall be made known, whether her subjects of Jamaica, now happily all in a state of freedom, are henceforth to be treated as subjects with the power of making laws, as hitherto, for their own government, or whether they are to be treated as a conquered colony, and governed by parliamentary legislation, order in council, or as," mark these words, "in the case of the late amended Abolition Act, by investing the Governor of the island with the arbitrary power of issuing proclamations having the force of law over the lives and properties of the people."

Was this House to inform the House of Assembly that they were to have the power of making laws, and that they were not to be governed by parliamentary legislation? Was this House to repudiate the right to legislate? Was it to take no exception to the manner in which the amended Abolition Act was spoken of, and say that it repented of having passed it? He asked the House whether it were prepared to accede to these propositions? The right hon. Baronet, who was remarkable for his caution, had contrived to frame his motion so that not only every one belonging to his own party should support it, but some on his (Dr. Lushington's) side, who, as he thought, were deceived in the view they took of the question, which they had treated as one involving the liberties of the people of Jamaica. Did not the right hon. Baronet support the amended Abolition Act? That Act was founded on the ground that the Legislature of Jamaica had neglected to carry into effect the provisions it was bound to execute in fulfilment of the former act. He would trouble the House with a short extract from the speech of Lord Sligo to the Jamaica Assembly, in 1834:—

> "In regard to the whipping of females, you have been informed by me officially, that such a practice prevails, and I called upon you to make an enactment to prevent conduct so repugnant to humanity and contrary to law. So far from passing an act to prevent the recurrence of such cruelty, you did not even express your disapprobation of it."

In January, 1836, the Marquess wrote —"I regret to say the remedy must come from home." Then, he contended, that he was justified in his opinion, that the whole conduct of the House of Assembly, from the year 1834 down to the present hour, had been such, as to disappoint the wishes and to destroy the hopes of the people of England. But he had a right to look at the conduct of the House of Assembly at all times. Had an effectual measure ever been passed in Jamaica for the protection of the negro at any time? Was there one single abomination or horror in Jamaica which the House of Assembly had been prompt to punish? Could he forget, that in that island a man had been boiled to death by a slow fire; that according to the statement of Mr. Bryan Edwards, who had been a witness to it, two men had been scourged to death without one word of disapprobation? That was the state of things now. Sir Lionel Smith wrote in these words—"I cannot protect the poor people as the Government expect and a the British nation requires." That was the state of the law according to the evidence of one Governor. He (Dr. Lushington) asked the House how long it would suffer such a state of things? When would it prevent it? What would be the consequence supposing they got the House of Assembly in the humour to pass any measures? The hon. Gentleman, the Member for Newark, had said, respecting the state of the law, had not the Governor the command of the militia? What was the Governor to do if he called out the militia? Was he to call it out as it was now? He apprehended he could not call it out at all, and the defence of Jamaica depended on an efficient force not exceeding 1,300 men. With respect to the law of contracts, was there anything more unjust? Take the evidence of the Governor again:—

> "We are unfortunately without any wholesome laws to protect the fair rights of masters and servants and have all the evils

of evasion of common agreements by one party and distrust on the other."

So much for the law of contracts. Has there been any law, any efficient law of police? Notwithstanding the urgency of this matter, the House of Assembly positively refused to consider any proposition with reference to it. But there was another point, what was the state of the prisons? Sir Lionel Smith, enclosing returns of the state of the prisons in Jamaica, says, "nothing can be more disgraceful to any country." That was, the state of the prisons in Jamaica; would the House leave them in that state? But it had been said in the course of the debate, that the amended abolition act had been consented to in the colony, and that this must have been through fear or generosity. He said it was neither one nor the other. In their protest, the House of Assembly declared that the passing of this act was a violation of its privileges:—

> "We, therefore, the Members of the Assembly," they say, "do for ourselves, and for the people of Jamaica, solemnly before God and man, and especially before our fellow subjects, and fellow colonists, protest against an act passed by the British Parliament, entitled 'An Act to amend the Act for the abolition of slavery in the British colonies.' We protest against the proclamation of the Governor dated the 1st of June, 1838, which declares the said act to be in force in the island. We declare the said act and proclamation to be illegal, unconstitutional, and an usurpation of our legislative rights, and of the rights of our constituents; we declare them to be subversive of English law, threatening to the peace of this and our sister colonies, and dangerous to the integrity of the empire."

That was the way they treated the fulfilment of the compact. It had been said, what signified these declarations of the House of Assembly of Jamaica? Why, if the House of Assembly refused to pass these acts, and if the people of Jamaica were stirred up to rebellion against the amended abolition act, was Parliament to go back and refuse to exercise the power which the Assembly had abandoned and abdicated? Could it do so with safety? What would be the consequence in our other colonies and possessions throughout the world, if they found that by remonstrance and intimidation one House of Assembly could compel the British House of Commons to swerve from its path? Parliament could not retract with safety to the national honour. It could not go back now without losing the power of interfering hereafter. He did not wish to fatigue the House, but he must notice one other point in the hon. Gentleman's speech—his inculpation of the Baptist missionaries. The language of Sir Lionel Smith was this:—

> "I do not believe the charge. The Baptist missionaries have dared their calumniators over and over again to the proof; and I ask whether a single individual has yet dared to come forward to specify a single instance of any improper interference on their part."

He really thought that hon. Gentlemen ought not to accuse rashly and hastily any public body of men by name in this sweeping manner. There were at this moment, 30,000 heathens in the island of Jamaica, and he should like to know how many more there would have been within its shores had it not been for the exertions of these excellent and pious men? He had no hesitation in affirming, that if it had not been for their Christian zeal and industry, there would have now been 300,000 instead of 30,000 pagans in the island of Jamaica. He saw in the speech of the learned counsel for that island, that he estimated its coloured population at 110,000 souls, and its white population at 30,000 souls. The people of colour, and the whites, enjoyed nearly all the property of the island, and yet he found that there were not more than 2,200 voters among them. He cared not what the number of voters might be. He should object most heartily and sincerely to any measure which should permanently deprive the island of its local Legislature; and when he heard it stated by the right hon. Baronet opposite that there were some persons who were anxious for the permanence of this bill, he was happy to have it in his power to reply, that the original objection of the Anti-Slavery Association to this measure was, that it was to continue in existence for five years, and that that association was anxious that it should pass but for as short a period as was consistent with the improvement and tranquillity of the colony. He had heard, with great sorrow, the right hon. Baronet assert, that when that House legislated for the colonies, it ought always to come to an unanimous vote. He regretted much that the right hon. Baronet had made such a declaration—far be it from him to comment upon the motives which had led the right hon. Baronet to such a declaration—but this he must say, that if in this contest the Government should fall and be defeated, it would fall in an attempt to administer justice and protection to the wants of the people of Jamaica, in an endeavour to establish the happiness of those on whom the safety of Jamaica mainly depended, in an endeavour to uphold the success of an experiment the value of which to all the great interests of humanity, no man living could now calculate. It would fall in the redemption of a pledge given by the Imperial Parliament of Great Britain, in accordance with the wishes of all the people whom it represented—it would fall too by a junction as unexpected as it was unprincipled, by the junction with the other side of the House, of those who remembered not in their love of free constitutions, that the exercise of the powers of Government was nothing in comparison with the exercise of those great rights for which all government was instituted. The right hon. Baronet had declared his readiness to take upon himself any responsibility that might arise from a successful opposition to this bill. Now, if the result of it should be contrary to that which the right hon. Baronet anticipated; and if Jamaica should be doomed to remain another year in a state almost amounting to anarchy, in consequence of the delay which his amendment, if carried, would interpose between this measure and good legislation, the responsibility which the right hon. Baronet would have to incur, would be anything but enviable. That responsibility he should himself be sorry to share, and he would therefore give his support to this bill, because he deemed it to be necessary to the very existence of society in the island of Jamaica.

Lord *Stanley* said, that he should feel that he was indeed labouring under great difficulty, in following the hon. and learned Gentleman who had just sat down, if he were called upon to cope with him, either upon questions of abstract law, or upon questions where matters of law and of constitution were necessarily mingled. But, much as he admired and respected the high talents, and great constitutional acquirements of the hon. and learned Gentleman, or he should rather say, the more he admired and respected those high talents, and those eminent constitutional acquirements, the more was he grieved to see them in a British House of Commons, devoted to the ungracious, and, as he trusted, to the hopeless task of supporting a measure of this most arbitrary character, on the proverbial plea of all tyrants—namely, its imperious necessity. The hon. and learned Gentleman had taken the bill into his hand; but fearful of discussing it on the grounds on which it had been originally brought before the notice of the House, had said, that he would not discuss the question, whether it was a bill of pains and penalties, or whether it was a measure of general state policy, but that he would confine his argument to the narrow ground of "imperious and overwhelming necessity." But he must be permitted to ask the House this question—"Is this bill a bill of pains and penalties, or is it not? Are the constitutional rights which it supersedes, to be set aside, as if of little or no value? Are the legislative rights, which have now existed for 200 years, to be set aside at once by a British House of Commons, and, being so set aside, are we to be told that it is not a bill of pains and penalties?" If it were not a bill of pains and penalties, why had they allowed the counsel for the island of Jamaica to appear at the bar, and be heard against its preamble? Oh! but they were not to be bound by the preamble of the bill. Not bound by the preamble? Why, then, did they allow the learned counsel who acted as agent for the island, to be called to the bar, to defend his clients and constituents against the charges contained in it? His hon. and learned Friend, the Judge-Advocate, or if it was not him, some other Gentleman in the course of the debate, had said, that it was not necessary to insert in the preamble, all the grounds upon which a bill was founded. He admitted that it was not necessary. It might be mere matter of form, in ordinary cases, to word the preamble thus;—"Whereas it is expedient and necessary to alter and amend such and such a law;" but, in this case, not one of the advocates of the bill had dared to come down to the House, and propose these words as the preamble of this bill, "Whereas it is necessary and expedient to alter and suspend the constitution of Jamaica." Why was this? How was it to be defended? The hon. and learned Gentleman, instead of proposing such a preamble, shrunk from it, and came down with a bill of indictment drawn up against the proprietors of Jamaica. The question was one of deep importance; it was one with which the hon. and learned Gentleman had been conversant from his first entrance into Parliament, and did the hon. and learned Gentleman mean to tell him that her Majesty's advisers had never asked for his counsel in drawing up this indictment? [Sir *S. Lushington:* they had not.] Indeed! why that argued a degree of rashness and inconsiderateness on the part of her Majesty's Government that he really could not have expected. He could not have imagined that they would have abandoned the great legal aid and eminent constitutional judgment of the hon. and learned Gentleman on a question like this, or that the hon. and learned Gentleman would have given them his support on such a measure of his own free will and accord. But then the hon. and learned Gentleman was a warm supporter of her Majesty's present Ministers. Oh, yes, he knew well how warm was the support which the hon. and learned Gentleman had given them upon a former occasion. He could not, however, refrain from expressing his regret that the hon. and learned Gentleman should feel himself on that ground called upon to support a measure which he was sure that the hon. and learned Gentleman, consulting only his own understanding, could not approve. He was satisfied that if the hon. and learned Gentleman had been left to his own feelings he would have said to the Government, "You are framing a bill of indictment against the island of Jamaica—you are framing it against those who are absent, and cannot be present here to plead for themselves—you are merely about to give them a single opportunity of being heard at your bar by their agent and proxy before you pass this unheard-of invasion of constitutional rights; it is, therefore, necessary, if you would observe a shadow of principle—if you have framed this bill, and intend to pass it on the preamble prefixed to it, that you should at least let their agent know what he has to defend his clients against—in one word, by your preamble, you should stand." That, he was sure, would have been the language of the hon. and learned Gentleman; and, in point of fact, it had been the language of the Under Secretary for the Colonies, who had said in so many words, "By the preamble he would stand." He had stood by the preamble; but the preamble had broken down under him. What had the hon. and learned Member for Liskeard said upon that very point? "If the bill be founded on the preamble, and if the preamble be the only ground on which it rests, then your ground is clearly cut from under you, and the superstructure raised upon it must of necessity fall down." "But," continued the hon. and gallant Member for Liskeard, frankly and gallantly enough, "I do not support the bill on account of its preamble. You declare that because they have passed certain resolutions you are prepared to suspend their constitution for two years and a half. But that is not enough for me. No; I am prepared not to suspend, but to upset—yes, that was the word—the constitution of Jamaica. I have always looked upon these oligarchies or resemblances of the representative system as the most detestable form of government, and I will not be juggled by a name. The legislature of Jamaica is an ancient oligarchical aristocracy of overseers and attornies. Compare them with the Governor aided by a council of English gentlemen, who were responsible to English public opinion, and the contrast could not but weigh against the mere delegates of the ancient slave-owners. Yes, that was the language of the hon. and learned Member for Liskeard. "Because the Legislature of Jamaica was an ancient oligarchical aristocracy," and "because whenever he had an opportunity of upsetting an oligarchy he never would let it pass," the hon. and learned Member was prepared to upset that Legislature. He understood the argument of the hon. and learned Member for Liskeard—he understood the meaning of those who said, "You have been making a great change in the whole framework of society in the West Indies, and it is impossible that you can make it safely if you allow their present Legislatures to exist." That, he repeated, he understood; but that was not the argument of Government. He often heard hon. Gentlemen on the other side of the House boast, that they had been the supporters of the Administration which passed the negro Emancipation Act, but it was somewhat singular, that while they reserved all the credit of that act to the Administration generally, they charged every defect of it upon him individually, even down to its working in the colonies, when intrusted to other hands besides his own. Said the hon. and learned Member for Liskeard, "Never was there a measure,"—and he (Lord Stanley) readily admitted it—"which reflected greater honour upon a nation whose generosity gave an impulse to it." In that remark, also, he gladly acquiesced—for no Government could have carried such a measure unless it had been supported by the enthusiasm of a nation which would not stoop to calculate the cost of the benevolent experiment it was resolved upon making. "But," added the hon. and learned Member for Liskeard, "never was there a measure which reflected less credit on the statesmanlike foresight of the Minister who proposed it." The hon. and learned Member likewise added, that if he (Lord Stanley) had reflected when he introduced that measure on the extent and magnitude of the task he had undertaken, he would have made this present bill—the upsetting bill, as the hon. and learned Member had properly called it—a necessary supplement to the great Act of Emancipation of 1833. Now, he put it to the House whether that were a likely way to diminish the difficulties with which the Government had to contend in passing that act. Did those hon. Gentlemen who then heard him, and who had seats in the Parliament of 1833, think that, if the Government, when it proposed the bill for the abolition of slavery, had proposed along with it a measure for the abolition of all the colonial assemblies as the best means of carrying that abolition into effect — did they think that any human power would have enabled the Government to carry such a bill? "But," said the hon. and learned Member for Liskeard, "that bill has been the most signal failure of any measure which he recollected." He bowed with submission to the recollection and judgment of an hon. Gentleman whose own practice in legislating for the colonies had been so extraordinarily extensive, and, for its extraordinary extent, so eminently successful. He should not have entered into this question, had he not been so pointedly called on by the hon. and learned Member for Liskeard. That hon. and learned Gentleman had asked him, why he had not availed himself of his privilege as an ordinary Member of Parliament to follow out the Emancipation Act, by the introduction of the necessary supplemental measures. He admitted that he now was, and had for some time been, a private Member of Parliament, but he had had sufficient experience of Parliament to know, that the intervention of Members unconnected with the Government in matters of this kind often did more mischief than good, and was an officious meddling which impeded the due discharge of the functions of the Executive. "But," said the hon. and learned Member for Liskeard, "this measure has been a most signal failure." Indeed! Was it considered a signal failure up to the year 1837? and if it was not considered a signal failure up to that year, so far as he was responsible, he might, he conceived, hold himself perfectly absolved. He could not bring himself to consider that measure a failure which, in the course of five short years, had given 800,000 individuals the invaluable blessing of entire freedom, without producing the loss of a single life; without producing any material depreciation of property; with the concurrence of eighteen or nineteen different colonial legislatures, and without the infraction of one single constitutional privilege or right. He would, with permission of the House read to it the account which the late noble Secretary for the Colonies had given of his most signal failure in one of the despatches which he sent to the West Indies in the year 1837. The noble Lord then read an extract from a despatch of Lord Glenelg, of which we are unable to state more than the substance, as our application for the papers of the noble Lord was unsuccessful. The extract stated, that the result of this great experiment justified all the hopes which the advocates of it had entertained. When every deduction was made for the abuses which resulted from colonial legislation, he felt himself entitled to assert, that in the short period which had elapsed since the passing of the Act, there had been an improvement in society, and an accession to human happiness of which history furnished no previous example. It was a notorious fact, that the carrying this experiment into effect had been unattended with tumult or confusion, or with the slightest relaxation of those bonds of good feeling by which the sovereign and the people ought ever to be united. There was a greater respect for the law than had ever been previously displayed; the value of property had been augmented, and the foundation for the future transition of the apprentices into free men had been successfully and happily laid. Such was the description which Lord Glenelg had given three years after he (Lord Stanley) had quitted the service of his Majesty of the results of the experiment which he had recommended Parliament to make, and which the hon. and learned Member for Liskeard had denounced as "a most signal failure." Before he left the hon. and learned Member for Liskeard to the enjoyment of his own reflections, he would just ask him how it was that, with his opinions of the duty incumbent on a private Member of Parliament, he, being a Member of the Parliament of 1833, the hon. and learned Member could hear him maintain the necessity of leaving the details of the Negro

Emancipation Act to be worked out by the different colonial legislatures, without favouring the House with his ideas upon the impropriety and injustice of such a project. He conceived it to be not a little extraordinary, that the zeal of the hon. and learned Member for Liskeard, which was now so warm, should then be so cold on this point of duty: for the hon. and learned Member's silence at that time upon it could not be attributed to his not having interfered in the progress of the debate—for he had interfered in it to introduce a counter project of his own as a rival to that introduced by his Majesty's Government. And what was that counter project? Was it one that took away from the different colonies their legislatures, in order to render the abolition of slavery more immediate? No such thing. The proposition of the hon. and learned Member was, that the Spanish system of emancipation should be adopted, whereby the slave was permitted to purchase and work out his own freedom; and had that proposition been adopted, not one of the negro population of Antigua would have been in possession of freedom before the commencement of next year. The fact was, that the Government plan of leaving the different colonial legislatures to work out the details of the emancipation had led them to abridge the period of apprenticeship, and to anticipate the period of perfect freedom. This shortening of the term of apprenticeship, because it was done by the colonial legislatures, had produced peace, gratitude, and good feeling between the employers of labour and those who furnished it, which, if the House of Commons were now to interfere with its more violent less practical legislation, would be irremediably destroyed. He would not contest the right of the Imperial Parliament, so much insisted on by the right hon. and learned Gentleman opposite, to control the colonial legislatures. The right hon. Gentleman had spent a great deal of time in proving what nobody disputed, and referred to three cases which he had himself cited, in 1833, when introducing the measure of emancipation. The right hon. Gentleman argued, as if the Opposition denied the right of the British Parliament to pass the Prisons' Act, or to interfere, when an inevitable necessity presented itself, as they now proposed to interfere. They denied no such thing. He recollected stating, in 1833, that he knew of no limit to the transcendent power of the British Parliament, except that which it had chosen to assign to itself—namely, the limitation of not levying taxes within the colony for the purpose of raising a revenue. The cases cited by the right hon. Gentleman were all previous to 1788, but he would not rest his objection on that. The present case did not regard a question of internal legislation, a particular law which might be necessary for the welfare of the different colonies; this was a measure to take away on false pretences the right of self-government possessed by a most important colony. The hon. and learned Gentleman opposite (Mr. C. Buller) said the House of Assembly had abdicated their functions at a time of great emergency. He said, they had done no such thing. The hon. and learned Gentleman said, the House of Assembly had declared they would not proceed with the public business until the Prisons Act was repealed. He could find no such condition laid down in their resolution. The preamble of the bill only said—"Whereas they did then resolve that until certain conditions should be complied with, to which it is not expedient that Parliament should accede, they would abstain from the affairs," &c. The right hon. and learned Gentleman (Sir S. Lushington) asked what course could we take, if we did not follow the plan proposed by Ministers—how were we to word our humble message of conciliation to the Assembly? In what terms could we deprecate their wrath and induce them to resume their functions? He did not wish to use any flattering terms towards the Legislature which he could not reconcile to his conscience. He should not adopt expressions of satisfaction, which he must afterwards repudiate; but he would recommend a frank, plain, sincere, and conciliatory mode of dealing with the subordinate assemblies, and if he were asked in what words the message should be couched, he would point to the very words in which a similar message was conveyed to the Assembly of Barbadoes in an address from Sir Evan M'Gregor. He would have the Governor state, that he had received a despatch from the Secretary for the Colonies, in which anxiety was expressed, that it should be clearly understood that the intervention of Parliament was solicited in such cases only in order to prevent the confusion and irregularity which would necessarily result from separate, and in come cases, discordant legislation, by independent legislatures, acting apart from each other and without concert, and that each separate Assembly would, in future be held accountable for its own acts alone. He (Lord Stanley) did not know whether or not such a message as this would have been successful, but at all events Ministers were inexcusable for not having sent it. It could not have been expected by the Colonial Legislature that the Ministers would take the present course; they had done everything to convince the Assembly that they would take an opposite course. They had compelled the Assembly by the pressure of their authority to pass an act abolishing the system of apprenticeship, and giving entire freedom to the negroes. The Assembly having passed this act, hoped that they would have been left undisturbed by further interference — indeed, they must have been satisfied that such was the intention of the home Government on seeing the statement of his noble Friend, the Secretary at War (Viscount Howick) in 1833, which assured them that on the emancipation of the negroes they would have an end of unnecessary and uncalled-for interference. His noble Friend, when arguing against the course he was pursuing towards the Colonial Assemblies, said—

"Sir, I agree with my right hon. Friend, that there is a case of necessity for interfering on the subject of slavery, but as in my opinion the right of interference arises from the necessity of the case, so I think by that necessity it is limited. I think that we have a right to say to the Colonial Legislatures, 'You shall do full justice to all classes of the King's subjects:' but I do not think we have any right to prescribe the details of the laws by which the daily transactions of life in the colonies are to be regulated. Sir, if my right hon. Friend will attempt to carry into execution such an Act of Parliament as he has described, it must contain a clause abrogating every constitutional privilege at present possessed by the colonies. It must, indeed, be a case of extreme necessity which could justify such a course, and even the most extreme case would with difficulty overcome my almost invincible repugnance to its adoption. But does that necessity exist? I know, Sir, that we cannot trust the Colonial Assemblies to legislate for a state of things in which the right of the planters to the gratuitous services of the labouring population shall be continued. If we were so to trust them, whatever might be the nominal effect of the laws they might pass, in reality they would amount to nothing less than the maintenance of slavery as it now exists. But if we proceed upon a different principle, and declare that every man shall be alike entitled to the produce of his own labour, and to judge how that labour can be rendered most profitable to himself, we may safely trust the colonists to pass what laws they may consider necessary; while the great principle of allowing the value of labour to be determined by competition is adhered to there can be no objection to any laws which they may pass, however severe may be the restrictions they impose."

What, then, was the principle which, according to his noble Friend, they ought to follow in the present case? They had done away with the apprenticeship, because they had not been able to trust the Colonial Assemblies to make laws for the regulation of compulsory labour; they had allowed the slave to take his labour to the best market, and, therefore, he said with his noble Friend, that the necessity for interference no longer existed, and that his repugnance to meddle with the legislation of the Assembly became absolutely unconquerable. When the colonists saw these sentiments expressed by the noble Lord, it was impossible that they should not be led to conclude that they would, after the passing of the measure of emancipation, have full and uninterrupted liberty to manage their own concerns. He did think that that liberty ought to be left them. He would not say that some emergency might not arise in which for the full and effectual accomplishment of the provisions of the Emancipation Act, it might be necessary to resort to harsh measures, but he did say, that if such an emergency arose, it should be met in a way calculated to give the least possible cause for offence, whereas the steps Government had taken on this occasion were likely to excite general irritation and resentment. Would his right hon. Friend opposite say, that the Act of which the Colonial Legislature complained, as having been thrown upon their table without a word of explanation, or the slightest sign of respect or attention, would not have become less offensive if accompanied by such an explanation as it was in the power of Sir Lionel Smith to have given at that time? His right hon. Friend had enlarged on the actual state of the law of Jamaica, and had complained of the want of laws which it would have been very expedient to have passed long ago. But whose fault was it that these laws were not passed? That of the Legislature of Jamaica? Not at all. They had never refused, or expressed any reluctance, to pass them. Had not Parliament prohibited the Assembly from passing them? Had not the Committee of 1836 recommended that no laws should be passed until the termination of the apprenticeship? Had not Lord Glenelg declared that the proper time for passing a Prisons Bill would be the year 1840? On the 6th of November, 1837, Lord Glenelg wrote thus to the Legislative Assembly of Jamaica—

> "Contemplating with lively gratitude to Divine Providence these results of the wise and generous policy of her royal predecessors, and of the Parliament and people of this kingdom, the Queen is deeply anxious that the approaching crisis of the experiment should be met by a deliberate foresight of the difficulties that must then occur, and by fitting preparations to avert them."

What followed? Sixteen different queries were addressed to the colonial Assembly relative to the existing state of the law. Lord Glenelg said—

> "It will be necessary that a considerable revision of the colonial code should take place, in order to adapt the laws to the new state of affairs about to be established. This is the appropriate duty of the local Legislature, and it is highly important that it should be performed with great circumspection, and in such a manner as, if possible, to prevent the necessity of any collision between the Sovereign authority in this kingdom and the local authorities."

Lord Glenelg, after enumerating the various subjects of his queries, concluded by saying—"When you shall have received the answers, you will—" What? Proceed to legislate on them forthwith? Not at all:—

> "You will transmit those answers to me, accompanied by your own report as to the measures necessary for adapting the law to that state of society which will immediately follow on the close of the apprenticeship. It will then remain for Government to consider the measures which may be proper to be taken in those colonies which are subject to the government of the Queen and Council, and to be recommended to those which possess legislative assemblies."

What, he would ask, had been the "deliberative foresight" exercised by Ministers? They had forced the colonists to pass a premature act of total abolition; they had not allowed them to make those preparations which were demanded by the extreme exigency of the case. When had notice of the Prisons' Act been communicated to the Legislature of Jamaica? The 15th of September, 1838, three months after complete emancipation had been decreed by that Assembly, was the earliest date at which any instructions on this head were sent out to them. And yet Ministers complained that the Colonial Legislature had not made due provision for the change, and declared that they could not be trusted because they had not done so. Even if these subjects, notwithstanding the great difficulties that attended them, should have been dealt with earlier—if the Jamaica Assembly had entertained doubts as to whether they were competent to come to a decision on the state of society about to be established, and the laws proper to be passed, in order that the change might be easily made, he thought they should stand excused by the language of Lord Glenelg's despatch of the 15th of September, 1838. The noble Lord then recommended the Assembly to take into consideration the militia law, with a view to make certain improvements. Supposing it to have acted according to the noble Lord's instructions, what would have happened? The ordinance would have been disallowed when it came home; he would prove this out of the noble Lord's own mouth. On the 13th of November, the noble Lord wrote —"The militia law is so bad, that, on further consideration, I desire you to do away with it altogether." In the despatch of the 15th of September, the noble Lord recommended the Assembly also to consider the poll-tax. He said,

> "I have received information that in the island of Jamaica there is a tax called the poll-tax. Nothing can be more unjust than the principles on which it proceeds. That the rich and the poor should be taxed alike is so repugnant to the principles of English law, that I beg that it may be immediately altered."

He (Lord Stanley) could not have believed that any Colonial Secretary could have made so glaring a mistake in a matter which must be known to every man in Jamaica, and which ought to be known, not only to the Colonial Secretary, but to every under-secretary and clerk, from the highest to the lowest, in the Colonial-office. The Jamaica poll-tax was in the nature of an assessed tax, levied, not on individual whites and blacks, but on each proprietor, according to the number of his slaves. So far from being levied on rich and poor alike, it was only levied on the rich planter, and, according to the number of his slaves and cattle, so was the amount of the poll-tax. "It is of great importance," said Lord Glenelg, "that this doubt should be cleared up." Why, no human being, except his Lordship himself, ever had a doubt about the matter.

"The principles of taxation," continued Lord Glenelg, "adopted in this country, are unequivocally opposed to the levying of a tax that presses upon rich and poor alike. I do not now enter on the large and arduous question how far the imposition of the tax may be justifiable when applied to the society of the British West Indies, for to engage in the discussion of this subject would compel me to diverge from many topics of great and immediate exigency."

These directions for internal legislation, after having been so long a time in the process of concoction, were at length sent out under the notion that the poll-tax was not an assessed tax, but an impost oppressive to individuals. He must say, that he did entertain a doubt, after seeing this display of official knowledge, whether the Colonial Assembly were not as well acquainted with the peculiar circumstances of the island, and as able to frame laws for the government of the inhabitants, as the Colonial Secretary himself, who sent out his absolute dictations, which they were not to controvert. Could they wonder that the House of Assembly when they saw, that concession after concession produced only more and more arbitrary infractions of what they justly considered their constitutional rights, unaccompanied by a single word of explanation to soothe them, should manifest an angry temper, some little want of good feeling, towards the mother country? But, said the right hon. Member for the Tower Hamlets, they had time to consider their course; they were prorogued for a day, and afterwards dissolved for six weeks. Dissolved, for what purpose? To take the opinion of the constituency of the island on the determination they had expressed as to the proposals of the British Governor. That had been done, and it was found that the constituency cordially supported the views of the Assembly. Was it surprising, then, that the Members of the Assembly should, on coming back, adhere to views which had received the sanction of their constituents at a new election? He should like to see the right hon. Member put a parallel case with regard to this country. When Parliament was dissolved, during the discussion on the Reform Bill, and an immense majority in favour of reform returned, would the right hon. Gentleman not think that that majority would have stultified themselves by acting in direct opposition to the wishes of their constituents? The right hon. and learned Gentleman opposite had made the extraordinary admission that his right hon. Friend near him (Sir R. Peel), if he were now at the head of affairs, would be able to bring the dispute with the Jamaica Assembly to an amicable conclusion. He thought that very likely, but his right hon. Friend did not even ask to be allowed to terminate it; he only pressed the Government to adopt a certain line of conciliatory policy, with an assurance that if unsuccessful they should have the unanimous consent of Parliament, a twelvemonth hence, to put in practice the measure they now prematurely called on the House to adopt. His right hon. Friend suggested an adequate remedy for the difficulties of the case. Was it unreasonable to ask Ministers to delay this harsh proceeding another year? His right hon. Friend did not wish that this should be made a party question; he wished that Government should carry with them, on the measure they might adopt, not a bare majority like that of twenty-two, in which the Judge Advocate-General had so much exulted the other night, but the almost unanimous voice of the House of Commons. Government rejected that peaceful and conciliatory course, and adhered to their own violent headstrong and yet feeble policy; they would not accept the assistance of his right hon. Friend in passing such a law as would meet the proved exigencies of the case, with the assurance of his aid, at a future time, in passing stronger measures, should milder means not be found efficacious. Some hon. Gentleman opposite professed with the hon. Member for Liskeard to be extremely unwilling to destroy popular constitutions, but denounced that of Jamaica as a little miserable oligarchy of advocates and attornies, representing only some 3,000 persons out of 500,000. Was this constitution really so unpopular? Was the qualification so remarkably high? It was, in fact, exceedingly low, admitting to the franchise a very large number of the white, a considerable portion of the free coloured and free black population, and within a very short time it would admit an enormous multitude of the black population. Ought they not to pause, then, before decreeing the overthrow of this constitution, for as to the profession of suspending it, that was a mere pretext? Did her Majesty's Government mean to say, that it was their intention to restore the constitution of Jamaica as it now stood? No; they meant no such thing. They were going to alter the militia laws, the jury laws, and various other laws; in short, they were going to alter the whole framework of society there; they thought, did they, that they could persuade the people of Jamaica, that after all this was done, they would then re-establish everything just on its present footing? "And when you," said the noble Lord, addressing the Ministry, "you the lovers of liberty—you the advocates of popular rights—you who have been contending throughout that the negro is perfectly fit for a full participation in all social rights, and that it would be unjust, emancipation once passed, to make any difference in that respect between the black freemen and the white; and when the former is just about to obtain those political rights, which you have ever told him were the most valuable of all rights—when you have brought him to that point—when, after having thus mocked him with the barren prospect of a participation in those political rights, you are about to tell him that the man whom he has so long looked upon as his proprietor, and whom he must still look to for his daily bread, is incompetent to exercise that right of internal and domestic legislation which he has been exercising for 200 years, and that he himself, the negro, is in too degraded a situation to be competent to exercise that right either; then, after all this, you think that by this announcement you shall not unite the whole population of the country, white, brown, and black, in one simultaneous feeling of abhorrence to you and your measures? I know you have the power; I know that Jamaica has not the power to resist you. But surely you may hesitate—you hesitated long before you enforced such a measure as this on Canada. Jamaica has never refused the supplies. For five long years did the Canadian Legislature refuse the supplies—depriving your officials of bread—insulting your officers—offering contumely of every kind to the British Parliament; yet for five long years you refused to do that which you now ask us to do at once in the case of Jamaica? Why? Is it that Jamaica is weak, and Canada strong? He knew (the noble Lord proceeded) that they were both weak; that they were both unable to resist, but he called upon the Government to beware how they convinced the people of Jamaica that the moral feeling of the colonies might be roused, and that effectually; he warned them not to convince that people that they were unfairly treated in the British Parliament. He would read to the House the words of a great man in reference to this subject—of a greater man than any in that House—the words of Lord Chatham, in 1775. He said, "This resistance to your arbitrary system of taxation might have been foreseen; it was obvious from the nature of things and of mankind; and above all, from the Whiggish spirit flourishing in that country. The spirit which now resists your taxation in America is the same which formerly opposed loans, benevolences, and ship money in England; the same spirit which called all England on its legs, and by the bill of rights vindicated the English constitution. The same spirit which established the great fundamental essential maxim of your liberties—that no subject of England shall be taxed but by his own consent." So say I (said the noble Lord), and I say beware of endeavouring to blind yourselves to the consequences you may incur and the spirit you may call forth, while you are about to violate that which is the great fundamental essential maxim of your liberties, that no subject of England shall be taxed but by his own consent; beware how you raise in the colonies that spirit which will spread, for spread it must, throughout them; that spirit which I trust will never but exist in all the colonies which boast, as Jamaica does, of a British origin.

Lord *J. Russell.* Mr. Speaker—if I were at all able to convey to the House the strong sense I feel of the impossibility that this question, vitally affecting as it does the interests of a large population inhabiting Jamaica, should be suffered any longer to remain unsettled, I have no doubt that the House would lend me its best attention while I state my opinions on the subject, as I should hope, that upon this question, a question which is so confined, and entirely local, and so important to Jamaica, I shall obtain the concurrence of the House. I must at the outset declare my dissent from some of the opinions of the noble Lord who spoke last (Lord Stanley). This has been argued as a question of political liberty. Now I must at once confess that my love of liberty is exactly similar to that which has sprung up, rather newly, I think, among hon. Gentlemen opposite. Considering that the question regards an Assembly returned by a body of constituents amounting only to 2,200, and in itself very little exceeding the numbers of the Great Council of Venice, and who have under their control a population of negroes to the number of 300,000, I do not conceive that I sacrifice the claims of liberty when I advocate a measure of this nature respecting such a body, or that I utterly neglect those claims when I support a change disliked by the few, but of vital importance to the interests of the mass. The noble Lord opposite having made a reference to the question of Canada, that reference enables me also to advert to that question; it enables me, too, to show the great difference which exists between the case of Canada and this case, and it enables me, also, to show that the right hon. Gentleman opposite had the other night most unfairly laid down the principle—unfairly both to the Government and to the House—that it was only to one and that special ground that the House was to look in framing a measure of this sort, to suspend the Government of Jamaica. But surely there were two points to be considered; first, there were peculiarities in the state of society in Jamaica; and next, the exigencies of a state of transition from slavery to freedom had to be provided for, those who had hitherto conducted themselves as masters being in future to assume a new and more nearly equal relation to the rest of their fellow-subjects. This difference might of itself have made it necessary that they should have a new mode of legislation—a mode totally different from that which had hitherto existed in the island. But her Majesty's Government would not have been justified if, on that general ground alone they had proposed to suspend the constitution of Jamaica, and had not looked to see if this theory were supported by fact, and had not used all the means in their power to make the suspension of the constitution unnecessary. This is, I think, the legitimate course to pursue, and the Government having pursued this course, it is perfectly correct now to say that legislation has been stopped by the House of Assembly, which has deliberately and formally declared that it would not proceed to enact a law which was absolutely necessary. If this Assembly were the same sort of body with that which we usually understand by a representative legislature, if it represented the whole people, I think that in that case they ought to have tried again whether we could not have brought that legislature at length to a sense of its duties; but when I find that this Assembly is adapted only to a particular state of society, and that the stoppage of legislation which had already taken place, if it were suffered to continue would be most dangerous to the peace of the colony, I can come to no other conclusion, than that it is necessary to apply to Parliament to suspend the constitution of a colony so situated. I think I may say that, looking to those great considerations which must bind a Government and a Parliament in reference to questions of such a nature, the grounds on which we decide ought to be general, and that we ought not to confine ourselves to particular and isolated facts, or be influenced by a particular phrase. We are not bound by the mere facts stated in the preamble of the measure — incontrovertible though those facts may be, as I fully believe they are, and sufficient to justify the following enactments. The preamble states that the House of Assembly have declared that they would abstain from exercising their functions until certain Acts of the British Parliament be repealed. No one could deny that to be the fact, therefore the preamble is quite justified. This is a sufficient reason for legislation, and for passing a bill of this sort, but it may be justified on wider views than were contained in the preamble, and may certainly be referred to that change in the state of society which has been effected by the Act of Emancipation. I confess that we have not legislated in the same way towards Canada; we did not say that we would pass an act dissolving their Assembly; but we said that we would agree to certain propositions, and if the House of Assembly of Canada refused those propositions, then we would consider what measures might become necessary to enforce their obedience. But was there no difference in the cases? That was not an Assembly which had been used to rule over slaves; society there was not in the transition state from slavery to freedom, but it was an Assembly which was said, and truly said, I believe, to represent the majority of the inhabitants of Lower Canada. What did hon. Gentlemen opposite say on that occasion? Did they say we will not suffer any infringement to be made on the liberty of the people of Canada? Did they call out for the application of the great and essential, and fundamental principles of the liberties of Englishmen? Did they demand delay, and quote Mr. Burke and Lord Chatham? Did they, in that case, the case of a country where there were no slaves, openly assert the principles on which they now professed that they meant to act? No. The noble Lord adopting the language of the hon. and learned Member for Bath, said, that was a case which admitted of no tampering, there was no time for indecision or vacillation; they must be prepared openly to take measures for preserving the colony. This was the language held when we said we were willing to give another year's delay to Canada; but now, when an Assembly not representing a free people was to be controlled, then the noble Lord said, Let us delay; this is a subject which must be tampered with; let us see whether they will not accede to conditions—whether they will not think better of their former proceedings; and when we have done this, there will be time enough to consider what further steps may be necessary. I might refer, after what has fallen from the hon. Member for Newark, and the noble Lord, to what has been the real dispute with the House of Assembly of Jamaica. I think it was a dispute which dated far back, and concerned matters in which the noble Lord had borne a considerable share. I will only, however, go back so far as 1824. In that year Mr. Canning brought forward certain resolutions respecting the mode in which the slaves might be emancipated; among other remarks in support of them, he said, that an Order in Council should be issued against the flogging of female slaves. In 1826 Mr. Canning repeated the Order in Council, and he then said,

> "Should there appear to be no probability, that the opposition which it met with from the Colonial Legislature would be withdrawn, the executive government would not hesitate coming down to Parliament for its assistance in overcoming its obstinate resistance. . . With regard to the clause abolishing the corporal punishment of females, he was sorry to say, that but five of the Colonial Legislatures had acceded to it, though he thought, that the adoption of it, was one of the plainest modes, that could have been devised for evincing their disposition to meet the wishes and recommendations of the people of England. He would confess, that if there was one point more than another on which he could bring himself to adopt the resolution of the hon. Member for Weymouth rather than his own, it was the refusal of the colonies to abolish the corporal punishment of females."

In 1833 the noble Lord in bringing forward his measure for the emancipation of the slaves, which he did with great eloquence, said, that there could be no important improvement in the treatment of the negro population so long as that horrible practice was allowed to continue:

> "It was thought" said the noble Lord," that the friendly warning of Parliament would be sufficient to induce the colonists to attend to his wishes. That warning, however—that admonitory voice has gone forth, and for years, and years, has been, I am sorry to say, unheeded and disregarded by all the Colonial Legislatures. They have allowed it to be lost upon them; they have done nothing to further and accomplish that great measure, which the mother country eleven years ago declared to be so just and so desired. What will the committee think of the readiness of the Colonial Legislatures (I speak, God knows, not in bitterness, but in sorrow) when I say, that up to this hour no one colony has abolished the practice of inflicting corporal punishment upon females? They have, indeed, in some degree restrained it; but by restraining they recognise the principle. They have guarded against indecency, but they have not yet carried into effect, that which in all the nations of the world has been the first step towards civilization—the raising the female sex from a state of degradation to that of equality and a sense of delicacy. Talk of preparing the slave for freedom—of ripening his moral faculties, to render him capable of enjoying it, and yet show him, that all his dearest and domestic ties may be violated — that his wife, his daughter, or his sister may be subjected to corporal punishment at the pleasure of an overseer—it is a mockery and an insult!"

Here is a circumstance which shows the real nature of this House of Assembly; a person of the name of Hamblin, a member of the House of Assembly of Jamaica, called this denouncement of the flogging system, a violation of the privileges of the Jamaica House of Assembly, and indulged in pleasantry on the subject, which gave a notion of that body not at all consistent with our ideas of what a deliberative body ought to be. In 1835 the Marquess of Sligo again called the attention of the Assembly to the practice of flogging women in the following terms:—

"A much more serious breach not only of

the spirit, but even the letter of the law, has been committed under the supposed authority of the Act in question. His Excellency alludes to the rule permitting the use of the whip upon women by the superintendents of tread-mills: this is a direct infringement of the 21st section of the Abolition Act, which expressly forbids the whipping of women under any circumstances."

In Lord Sligo's speech, proroguing the Assembly on the 3d of February, 1836, he said:—

"The whipping of females, you were informed by me officially, was an illegal practice, and I called upon you to make enactments to put an end to conduct so repugnant to humanity, and so contrary to law."

In 1838 Lord Glenelg again drew attention to the subject, in the following terms:—

"The Act of Abolition forbade females being lashed for apprenticeship offences; that provision he regretted to tell their Lordships had been set at defiance; it had been scorned and contemned by the injustice and the revenge of the former masters of those unhappy slaves, and who did their Lordships suppose had been selected for the purpose of inflicting cruelty in the house of correction? Why, the class of men selected, were the very class that ought not to be chosen. They were convicts for life—men dead to all sense of honour or feeling, and of humanity. These were the men who did not refuse to apply the lash to females, and who entered into a vile combination with their employers to glut the evil passions of both. In spite of the law, females had had the lash applied to them for apprenticeship offences. This was a stain upon the Legislature."

In this year the Emancipation Act Amendment Bill was introduced, and on its second reading in the House of Lords, it received the assent of every noble Lord who spoke, and it passed this House with the general assent of all parties. This measure was intended to put an end to the horrible practice I have mentioned. The hon. Member for Newark said, that this act was quite justifiable, and that it was not till they came to the Prisons Bill, that anything doubtful had been done by this Parliament. Yet it was with respect to this very Act, that the Assembly entered their protest, declaring it to be "an unconstitutional usurpation of their privileges, subversive of their rights, and dangerous to the integrity of the empire." This is the way in which the legislature of Jamaica spoke of an Act which had unanimously passed the Houses of Lords and Commons of England, and which the hon. Member for Newark told the House was a justifiable act. This is the way the Assembly spoke of an Act which put an end to a cruel and revolting system of punishment which was carrying on in the gaols and workhouses of Jamaica, while they looked on in apathy, or now and then referred the matter to a committee on the receipt of a fresh message from the Governor, but never stirred to put a stop to the thing themselves, as they might have done; yet this is the Assembly which we are told to compare to the greatest and brightest examples of liberty, and which we are called upon to preserve, in the words of Burke and of Chatham, who, if the House had now the happiness to hear them, would certainly never advocate the cause of such a legislature; and never would have thought of perverting words which they intended should aid the cause of freedom to serve the purposes of palliating or keeping up these horrible offences. This is, in fact, the whole quarrel of the Assembly of Jamaica, with the Parliament of this country; because, omitting those rough terms which they applied to the House of Commons, as well as to the House of Lords, they used language in assertion of their rights which their advocates in the House most carefully abstained from quoting? What was their declaration?

"Jamaica is dependent on the Crown of England, and she admits the right of the English Parliament to regulate the commerce of the empire, but she rejects, with indignation, its claim to make other laws to govern her. We, therefore, conclude, that this island has of right, confirmed by time, usage, and law, an independent legislature; that by its authority alone can taxes or other burdens be imposed on the people of Jamaica, or its laws, when once sanctioned by the Sovereign, be repealed, or altered, or new laws be enacted."

That was very plainly saying, that Parliament had no right to interfere except with respect to external commerce; which was saying whatever might be the state of the negro population, whatever might be the abuses which took place, that the Imperial Parliament had no right whatever to interfere. This is, I should say, a bold and an audacious pretension, at the same time it is a very decided one, and it is one which ought not to be parried in this debate. Were these mere words? Did the Assembly not act in accordance with them? Was this a mere declaration to express their anger at the moment? No; it was in consequence of this very declaration, that when the Prisons' Act arrived, they refused to own or recognise it, and said it was not binding on them. That was the natural consequence of this declaration. It was said, "no Act regulating our internal affairs is binding." There came an Act which they said was not binding; nothing could be more explicit than their conduct: they did not say as was now said for them, you have not given us a civil announcement of its existence, and a courteous explanation of its provisions. They cared little what the provisions of the bill were; it was sufficient for them that the principle they asserted was violated by that Act, and by their declaration they chose to abide. Then it was said, as I have already stated, that it was not communicated to them in a proper way. What Sir Lionel Smith said, was, "I have received many despatches from England, and shall lose no time in laying them before you." Could any communication be more proper than that? Had they proceeded to business, in the course of two days they would have had the message with the despatch, and the despatch contained an explanation on the subject. Such was the usual course of proceeding, such was the course adopted in the particular case at Barbadoes. But the House of Assembly at Jamaica did not act as that of Barbadoes acted. A right hon. Member for Cambridge University has indeed read some words from the Council of Barbadoes, in which they objected to this Act. It is true that, acting as an executive, they did state their objection to that Act; but amongst those papers the House will find that there is an Act appointing certain members of the Council, to act together with the prison inspectors, and that Act passed in the Council unanimously. And the same thing might have taken place in Jamaica, but the Assembly had laid down for a principle from which they would not depart, on which it was impossible for them to adopt the Prisons Act. The Governor, therefore, was compelled to prorogue the Assembly; they still retained their former opinion; he then dissolved the Assembly and called another Assembly, and this Assembly stated, in terms as clear as possible, what was their intention. "Our legislative rights have been directly invaded in Parliament enacting a law to regulate our gaols, a measure of internal and municipal regulation clearly confined within our province." There they state I must again aver, as clearly and openly as possible, what their objection was, and the grounds of their resistance; and they state in one part of that declaration, what it was natural they should say, "if they were interfered with, to be a legislature and not have all the powers of one, they had much rather that all legislative powers were transferred elsewhere, and that they were not called on to exercise any." They declared the Prisons Act a violation of their privileges, and till their wrongs were redressed that they would perform no legislative functions. Well, then, it was in consequence of this conduct that the Ministers say, what every one must agree to at a moment of such great transition, at the moment of change from one state of society to another, it being more peculiarly necessary both to alter the old laws and to introduce new laws, that when the late Assembly of Jamaica declared they would not act, that at that peculiar crisis it was necessary to come forward to supply that deficiency, and protect Jamaica with a legislature which is able and willing to pass the laws which are absolutely necessary. I have heard, indeed, the objection stated by the right hon. Gentleman and others to this course; and I have heard the proposal of the right hon. Baronet, and many proposals which certainly are not very consistent with that proposal. But let us see what that proposal is which the right hon. Gentleman makes instead of the direct course which is submitted to them by the Government. The right hon. Gentleman (the Member for Tamworth) proposes that we should maintain the Prisons' Act; in that he directly contradicts the Assembly of Jamaica. He then proposed that, having so done, they should leave it to the Assembly of Jamaica to consider again of their course; and that then, if they should legislate for Jamaica to the satisfaction of the country, the Parliament should not proceed, but if they did not so legislate, that then Parliament should proceed with the bill. Now the Assembly of Jamaica must act in one of three ways. Let us first suppose that they adhere to their declarations. With regard to the proposition of the right hon.

Baronet, I should expect, in the first place, according to that declaration, that they would refuse to enter into any legislation provided the Imperial Parliament maintained the Prisons' Act; that would be the natural consequence. Then the right hon. Baronet would propose next year to introduce the Suspension Bill; but a whole year would have been lost, a year in which great abuses might occur—a year in which all the relations of employer and workmen might be disturbed—a year in which whole classes of people, for want of sufficient protection, and having no security for their rights, would go from certain estates to live on wild lands. The loss of one year might be fatal to the future arrangement—to the future harmony of society; that I may say would be the first consequence. But let the House look at another argument which was put forward by the right hon. Member for Cambridge and by the Member for Newark, who told them that a great number of those negroes had acquired property and would be registered, and in the course of fifteen months, or next August, they would be able to vote at elections. That puts the argument I am going to state to the House in a stronger light, because they now had a great many persons who differed in opinion on the Jamaica question, who were ready to dissent from this bill, and, above all, the great majority of the persons who had always been zealously engaged on behalf of the negroes; but if they were to come next year and say, it was true that in three or four months a great many of the negroes would be ready to exercise the elective franchise, and just at that moment when the negroes were going to exercise their elective franchise we had taken that very moment to bring forward the bill, it would certainly have the appearance of distrusting the Negro population, and of fearing to admit them to have a voice in the legislature. That objection does not apply now, because for a considerable time these 2,200 electors would carry the majority of the Assembly; but I do say, that next year it would be a very questionable matter indeed for Parliament to enact a measure of this kind. But I am putting the case of the continued refusal of the Assembly. The next manner in which the Assembly may act, is what I conceive a still more likely case to happen, that in case of the Assembly resuming its functions, they would not really pass the bills for the good legislation of Jamaica, but bills which would have an appearance of complying with the wishes of Parliament, and the Imperial Parliament would be unable accurately to make out by any argument or statement whether these bills were such as answered the object in view. The noble Lord in bringing forward the Emancipation Bill had stated a case of this kind and at that time, directed more than half his speech against the Colonial Assemblies, showing that they were not to be trusted. The noble Lord's argument was so excellent and good that I wish every Member had read that argument before he came to the debate, and they would be convinced that they ought not to trust the Assembly of Jamaica. Amongst other things, the noble Lord said,

> "It appears a compact, but it is the shadow, not the substance. The Assembly of Jamaica have appeared to do what you desired them, but they have not, in fact, done anything of the sort."

If that were the case, that would be a justification of the Government coming down and stating, "Here are certain laws which the Jamaica House of Assembly have passed, but they are totally unsafe; they do not provide what was required; they do not provide for the welfare of Jamaica, and we ask Parliament to pass the Bill." Why, what would be stated? The agent for Jamaica, who has, I think, very considerable difficulty in arguing against this bill, would then have a sure task; we should be told by some intricate and ingenious argument, that some of those provisions of those Acts were sufficient, and some of the Members of the opposite side of the House would be asked to refuse to pass the Bill, as the bills passed by the Legislature of Jamaica had shown some attempts at Legislation, and they had better wait another year. For that reason, I say it is quite impossible for us to adopt the plan of the right hon. Gentleman. Thirdly, there does remain a possibility, a bare possibility that after that conduct of the Assembly, which Mr. Wilberforce declared he had watched from 1797, and had never found in favour of, or advantageous to, the negro—that that conduct which, from 1797 to 1838, had passed unchanged, should all of a sudden be totally altered, and the Assembly should be filled with kindness and beneficence towards the blacks. And if their legislature were of a totally different character, that is the bare possibility on which we are asked to reject this bill, and which I believe would destroy the chance of happiness which the negroes have. I will next state what has occurred to me with respect to this bill; I have stated another case, that I thought that this happened to be an occasion upon which many parties which had hitherto differed were disposed to agree; that it was better, in the present state of Jamaica—better, considering the temper shown by the Assembly—better, considering the helpless state of the negroes lately admitted to freedom, that there should be some supreme authority not likely to partake either of the passions of the masters or of the newly-awakened desires of the negroes. That has been the opinion I already stated in that House; that has been the opinion of those who have been the anti-slavery advocates in this country, and who have so long engaged in the sacred cause of propagating and supporting Christianity in Jamaica, men to whom, in spite of the blame which has been unjustly cast upon them this night, I believe we have to attribute the peaceable carrying into execution of the Emancipation Act. When I look to the dreadful scenes which occurred in former times, some thirty or forty years ago—at the horrid passions which have been let loose, and cruelties which have been exercised by the negroes, I cannot but think, when we see what has occurred to excite their passions, that the peaceable demeanour, the absence of crimes, the really virtuous conduct of the negroes, is in the main part owing to those excellent men who have imparted the truths of Christianity to those whom their masters had left in the darkness of ignorance. Such being the opinions of the advocates of abolition, there is likewise a portion of the most wealthy, and those who possess the largest property in the island of Jamaica, who are in favour of the bill, and who have passed resolutions which are signed by seventeen persons, whose names I am sure will attract the respect of all who were acquainted with property in Jamaica. The resolutions are,

> "That they found first, that new laws were required to regulate the relations between employer and labourer, and landlord and tenant; that they were suffering severely from want of those laws, and that, unless they were speedily passed, the benefit of the emancipation would utterly fail. Secondly, that the House of Assembly had suspended its functions, and refused to take upon itself those functions, unless certain concessions were made by Parliament. The undersigned, therefore, looking at the present critical condition of the island of Jamaica, and considering that the conduct of the Legislature exposed it to great danger, do not hesitate to assign their conviction that a temporary government ought to be passed as speedily as possible, in the full reliance that the Crown would be able to govern with the sanction of the inhabitants of all classes."

This was signed by Messrs. Colville, Lushington, Gordon, Birch, Hanbege, Plummer, and Wilson, W. Beckford, Green, Long, W. A. Hankey, Amderbac, Morant, Martin, Long, Thos. L. Beckford, Morton, Dickinson, and by Lord Seaford. Now, this is the temper of several gentlemen connected with property in Jamaica. I regret to have to add, that it was the temper, also, of several more, who were prepared, when this bill was first introduced, to consider it the best measure that could be provided for the future welfare of Jamaica, but who do not now support it. I know not whether they have changed their opinions, but if they have changed them, I do not believe it is because they take a different view of the state, the prospects, and condition of Jamaica. No; it is on quite different grounds that their support has been withheld; it is because this question, which has been proposed by the Government on its own responsibility, as a measure which they think calculated for the welfare of one of our most valuable possessions, has been made a question for the interest of party. Therefore it is, that those who act thus, and were disposed to look favourably on the plan, and were disposed to think it calculated to secure the peace, and, in the end, to secure the happiness of the people of Jamaica, have been withheld from giving their support, because they think that by withholding it they may be of some advantage to those who are now in expectancy, and of some injury to those who are now in possession. I am sorry to say, that too many proofs have come to my knowledge of parties who would do this. I trust, however, that the vote of the House this night will show, at all events, that such feelings have not been allowed much to operate. I can well understand that there may be persons who would say that, seeing all the circumstances of the case, it would be better for Jamaica—it would be better for her future freedom and prosperity, that the Assembly should not be interfered with by the Imperial Parliament. I have every respect for those who have come to that conclusion; but this I boldly say, that if there are those who, not having that opinion, refuse to support the bill by which the negroes may be benefitted, by which the planters may in the end be secured, because they belong to a different party from the Government, I say, that any men who can so act, will, sooner or later, suffer under the reproaches of their own consciences, and the condemnation of their country.

The House divided:—Ayes 294; Noes 289—Majority 5.

List of the AYES.

Abercromby hn. G.R.
Adam, Admiral
Aglionby, H. A.
Aglionby, Major
Ainsworth, P.
Alston, R.
Andover, Viscount
Anson, hon. Colonel
Anson, Sir G.
Archbold, R.
Attwood, T.
Bainbridge, E. T.
Baines, E.
Bannerman, A.
Baring F. T.
Barnard, E. G.
Barry, G. S.
Beamish, F. B.
Bellew, R. M.
Benett, J.
Berkeley, hon. C.
Berkeley, hon. G.
Berkeley, hon. H.
Bewes, T.
Blackett, C.
Blake, W. J.
Blunt, Sir C.
Bodkin, J. J.
Bowes, J.
Brabazon, Lord
Bridgeman, H.
Briscoe, J. I.
Brocklehurst, J.
Brodie, W. B.
Brotherton, J.
Browne, R. D.
Bryan, G.
Buller, C.
Buller, E.
Bulwer, Sir L.
Butler, hon. Colonel
Byng, G.
Byng, right hon. G. S.
Callaghan, D.
Campbell, Sir J.
Campbell, W. F.
Cave, R. O.
Cavendish, hon. C.
Cavendish, hon. G. H.
Cayley, E. S.
Chalmers, P.
Chapman, Sir M.L.C.
Chester, H.
Chetwynd, Major
Chichester, J. P. B.
Childers, J. W.
Clay, W.
Clayton, Sir W. R.
Clements, Viscount
Clive, E. B.
Codrington, Admiral
Collier, J.
Collins, W.
Cowper, hon. W. F.
Craig, W. G.
Crawford, W.
Crompton, Sir S.
Currie, R.
Curry, W.
Dalmeny, Lord
Dashwood, G. H.
Davies, Colonel
Denison, W. J.
Dennistoun, J.
D'Eyncourt, rt. hn. C.
Divett, E.
Donkin, Sir R. S.
Duff, J.
Duke, Sir J.
Dundas, C. W. D.
Dundas, F.
Dundas, hon. J. C.
Dundas, Sir R.
Easthope, J.
Edwards, Sir J.
Elliot, hon. J. E.
Ellice, Captain A.
Ellice, right hon. E.
Ellice, E.
Ellis, W.
Erle, W.
Etwall, R.
Euston, Earl of
Evans, Sir De L.
Evans, G.
Evans, W.
Ewart, W.
Fazakerley, J. N.
Fenton, J.
Ferguson, Sir R.
Ferguson, Sir R. A.
Ferguson, R.
Finch, F.
Fitzalan, Lord
Fitzgibbon, hon. Col.
Fitzpatrick, J. W.
Fitzroy, Lord C.
Fitzsimon, N.
Fleetwood, Sir P. H.
Fort, J.
French, F.
Gibson, T. M.
Gordon, R.
Grattan, J.
Grattan, H.
Greenaway, C.
Grey, rt. hon. Sir C.
Grey, rt. hon. Sir G.
Guest, Sir J.
Hall, Sir B.
Hallyburton, Ld.D.G.
Handley, H.
Harland, W. C.
Harvey, D. W.
Hastie, A.
Hawes, B.
Hawkins, J. H.
Hayter, W. G.
Heathcoat, J.
Heathcote, G. J.
Hector, C. J.
Heneage, E.
Hill, Lord A. M. C.
Hindley, C.
Hobhouse, rt.hon.Sir J.
Hobhouse, T. B.
Hodges, T. L.
Hollond, R.
Horsman, E.
Hoskins, K.
Howard, F. J.
Howard, P. H.
Howard, Sir R.
Howick, Visct.
Humphery, J.
Hurst, R. H.
Hutt, W.
Hutton, R.
Ingham, R.
James, W.
Kinnaird, hon. A. F.
Labouchere, rt. hn. H.
Langdale, hon. C.
Lefevre, C. S.
Lemon, Sir C.
Lennox, Lord G.
Lennox, Lord A.
Leveson, Lord
Lister, E. C.
Loch, J.
Lushington, C.
Lushington, rt. hn. S.
Lynch, A. H.
Macleod, R.
Macnamara, Major
M'Taggart, J.
Maher, J.
Marshall, W.
Martin, J.
Maule, hon. F.
Melgund, Lord
Mildmay, P. St. John
Milton, Viscount
Moreton, hon. A. H.
Morpeth Viscount
Morris, D.
Murray, A.
Muskett, G. A.
Nagle, Sir R.
Noel, W. M.
Norreys, Sir D. J.
O'Brien, C.
O'Callaghan, hon. C.
O'Connell, D.
O'Connell, J.
O'Connell, M. J.
O'Connell, M.
O'Connell, M.
O'Conor, Don
O'Ferrall, R. M.
Ord, W.
Paget, Lord A.
Paget, F.
Palmer, C. F.
Palmerston, Viscount
Parker, J.
Parnell, rt. hn. Sir H.
Parrott, J.
Pattison, J.
Pease, J.
Pechell, Captain
Philipps, Sir R.
Philips, M.
Philips, G. R.
Phillpotts, J.
Pigot, D. R.
Pinney, W.
Ponsonby, hon. J.
Power, J.
Power, J.
Protheroe, E.
Pryme, G.
Pryse, P.
Ramsbottom, J.
Redington, T. N.
Rice, E. R.
Rice, rt. hon. T. S.
Rich, H.

Rippon, C.
Roche, E. B.
Roche, W.
Roche, Sir D.
Rolfe, Sir R. M.
Rumbold, C. E.
Rundle, J.
Russell, Lord J.
Russell, Lord
Russell, Lord C.
Rutherford, rt. hon. A.
Salwey, Colonel
Sanford, E. A.
Scholefield, J.
Seale, Sir J. H.
Seymour, Lord
Sharpe, General
Sheil, R. L.
Shelburne, Earl of
Smith, J. A
Smith, B.
Smith, G. R.
Smith, R. V.
Somers, J. P.
Somerville, Sir W. M.
Speirs, A.
Spencer, hon. F.
Standish, C.
Stanley, M.
Stanley, W. O.
Stansfield, W. R. C.
Staunton, Sir G. T.
Stewart, J.
Stuart, Lord J.
Stuart, V.
Stock, Dr.
Strangways, hon. J.
Strickland, Sir G.
Strutt, E.
Style, Sir C.
Surrey, Earl of
Talbot, C. R. M.
Talfourd, Sergeant
Tancred, H. W.
Thorneley, T.
Tollemache, F. J.
Townley, R. G.
Troubridge, Sir E. T.
Turner, E.
Verney, Sir H.
Vigors, N. A.
Villiers, hon. C. P.
Vivian, Major C.
Vivian, J. H.
Vivian, rt. hn. Sir R.H.
Walker, R.
Wall, C. B.
Warburton, H.
Ward, H. G.
Wemyss, J. E.
Westenra, hon. H. R.
Westenra, hon. J. C.
White, A.
Wilbraham, G.
Wilde, Sergeant
Wilkins, W.
Williams, W. A.
Wilshere, W.
Winnington, T. E.
Winnington, H. J.
Wood, C.
Wood, Sir M.
Wood, G. W.
Worsley, Lord
Wrightson, W. B.
Yates, J. A.

TELLERS.

Steuart, R.
Stanley, E. J.

List of the NOES.

Acland, Sir T. D.
Acland, T. D.
A'Court, Captain
Adare, Viscount
Alford, Lord
Alsager, Captain
Arbuthnot, hon. H.
Archdall, M.
Ashley, Lord
Attwood, W.
Attwood, M.
Bagge, W.
Bagot, hon. W.
Bailey, J.
Bailey, J. jun.
Baillie, Colonel
Baker, E.
Baring, hon. F.
Baring, hon. W. B.
Barneby, J.
Barrington, Viscount
Bateson, Sir R.
Bell, M.
Bentinck, Lord G.
Bethell, R.
Blackburne, I.
Blackstone, W. S.
Blair, J.
Blandford, Mar. of
Blennerhassett, A.
Boldero, H. G.
Bolling, W.
Bradshaw, J.
Bramston, T. W.
Broadley, H.
Broadwood, H.
Brownrigg, S.
Bruce, Lord E.
Bruges, W. H. L.
Buck, L. W.
Buller, Sir J. Y.
Burr, H.
Burrell, Sir C.
Burroughes, H. N.
Calcraft, J. H.
Campbell, Sir H.
Canning, rt. hon. Sir S.
Cantilupe, Lord
Cartwright, W. R.
Castlereagh, Viscount
Chapman, A.
Christopher, R. A.
Chute, W. L. W.
Clerk, Sir G.
Clive, hon. R. H.
Codrington, C. W.
Cole, hon. A. H.
Cole, Viscount
Colquhoun, J. C.
Compton, H. C.
Conolly, E.
Coote, Sir C. H.
Copeland, Alderman
Corry, hon. H.
Courtenay, P.
Cresswell, C.
Cripps, J.
Dalrymple, Sir A.
Damer, hon. D.
Darby, G.
Darlington, Earl of
De Horsey, S. H.
Dick, Q.
D'Israeli, B.
Dottin, A. R.
Douglas, Sir C. E.
Dowdeswell, W.
Duffield, T.
Dugdale, W. S.
Dunbar, G.
Duncombe, T.
Duncombe, hon. W.
Duncombe, hon. A.
Dungannon, Lord
Du Pre, G.
East, J. B.
Eastnor, Lord
Eaton, R. J.
Egerton, W. T.
Egerton, Sir P.
Egerton, Lord F.
Eliot, Lord
Ellis, J.
Estcourt, T.
Estcourt, T.
Farnham, E. B.
Farrand, R.
Feilden, W.
Fector, J. M.
Fellowes, E.
Filmer, Sir E.
Fleming, J.
Foley, E. T.
Forester, hon. G.
Fox, G. L.
Freshfield, J. W.
Gaskell, J. M.
Gladstone, W. E.
Glynne, Sir S. R.
Godson, R.
Gordon, hon. Captain
Gore, O. W.
Goulburn, rt. hon. H.
Graham, rt. hn. Sir J.
Granby, Marquess
Grant, hon. Colonel
Grant, F. W.
Greene, T.
Grimsditch, T.
Grimston, Viscount
Grimston, hon. E. H.
Grote, G.
Halford, H.
Hardinge, right hon. Sir H.
Hawkes, T.
Hayes, Sir E.
Heathcote, Sir W.
Heneage, G. W.
Hepburn, Sir T. B.
Herbert, hon. S.
Herries, rt. hon. J. C.
Hill, Sir R.
Hillsborough, Earl
Hinde, J. H.
Hodgson, F.
Hodgson, R.
Holmes, hn. W. A'C.
Holmes, W.
Hope, hon. C.
Hope, H. T.
Hope, G. W.
Hotham, Lord
Houldsworth, T.
Houstoun, G.
Howard, hon. W.
Hughes, W. B.
Hume, J.
Hurt, F.
Ingestrie, Visct.
Inglis, Sir R. H.
Irton, S.
Jackson, Serjeant
James, Sir W. C.
James, W.
Jenkins, Sir R.
Jermyn, Earl
Jervis, J.
Johnstone, H.
Jones, Captain
Jones, J.
Jones, W.
Kelly, F.
Kemble, H.
Kelburne, Lord
Kirk, P.
Knatchbull, hon. Sir E.
Knight, H. G.
Knightley, Sir C.
Knox, hon. T.
Lascelles, hon. W. S.
Law, hon. C. E.
Leader, J. T.
Lefroy, rt. hon. T.
Liddell, hon. H. T.
Lincoln, Earl of
Litton, E.
Lockhart, A. M.
Long, W.
Lowther, hon. Colonel
Lowther, Lord
Lowther, J. H.
Lucas, E.
Lygon, hon. General

Mackenzie, T.
Mackenzie, W. F.
Mackinnon, W. A.
Maclean, D.
Mahon, Viscount
Maidstone, Viscount
Manners, Lord C. S.
Marsland, T.
Marton, G.
Master, T. W. C.
Mathew, G. B.
Maunsell, T. P.
Maxwell, hon. S. R.
Meynell, Captain
Miles, W.
Miles, P. W. S.
Miller, W. H.
Milnes, R. M.
Molesworth, Sir W.
Mordaunt, Sir J.
Morgan, C. M. R.
Neeld, J.
Neeld, J.
Nicholl, J.
Norreys, Lord
O'Brien, W. S.
O'Neil, hon. J. B. R.
Ossulston, Lord
Owen, Sir J.
Packe, C. W.
Pakington, J. S.
Palmer, R.
Palmer, G.
Parker, M.
Parker, R. T.
Parker, T. A. W.
Patten, J. W.
Peel, rt. hon. Sir R.
Peel, J.
Pemberton, T.
Perceval, Colonel
Perceval, hon. G. J.
Pigot, R.
Planta, right hon. J.
Plumptre, J. P.
Polhill, F.
Pollen, Sir J. W.
Pollock, Sir F.
Powell, Colonel
Powerscourt, Visct.
Praed, W. M.
Praed, W. T.
Pringle, A.
Pusey, P.
Rae, rt. hon. Sir W.
Reid, Sir J. R.
Richards, R.
Rickford, W.
Rolleston, L.
Rose, rt. hon. Sir G.
Round, C. G.
Round, J.
Rushbrooke, Colonel
St. Paul, H.
Sanderson, R.
Sandon, Lord
Scarlett, hon. J. Y.
Shaw, right hon. F.
Sheppard, T.
Shirley, E. J.
Sibthorp, Colonel
Sinclair, Sir G.
Smith, A.
Smyth, Sir G. H.
Somerset, Lord G.
Stanley, E.
Stanley, Lord
Stewart, J.
Stormont, Lord
Sturt, H. C.
Teignmouth, Lord
Tennent, J. E.
Thomas, Colonel H.
Thompson, Alderman
Trench, Sir F.
Turner, W.
Tyrell, Sir J. T.
Vere, Sir C. B.
Verner, Colonel
Vernon, G. H.
Villiers, Lord
Vivian, J. E.
Waddington, H. S.
Wakley, T.
Walsh, Sir J.
Welby, G. E.
Wilbraham, hon. B.
Williams, R.
Williams, T. P.
Wodehouse, E.
Wood, Colonel T.
Wood, T.
Wyndham, W.
Yorke, hon. E. T.
Young, J.
Young, Sir W.

TELLERS.

Baring, H.
Freemantle, Sir T.

Paired off.

Burdett, Sir F.	Lambton, H.
Blakemore, R.	Pendarves, G. W.
Clive, Lord Viscount	Goring, H. D.
Cooper, G. J.	White, H.
Crewe, Sir G.	Walker, C. A.
Davenport, J	Scrope, G. P.
Douro, Marquess of	Duncan, Lord
Fitzroy, hon. H.	Heron, Sir R.
Follett, Sir W. W.	Crawley, S.
Gore, W. O.	Slaney, R. A.
Hall, R. B.	Ponsonby, hon. C.
Harcourt, G. S.	Wallace, R.
Henniker, Lord	Acheson, Lord
Hogg, J. W.	Price, Sir R.
Kerrison, Sir R.	Wilmot, Sir J. E.
Price, R.	Conyngham, Lord A.
Rushout, G.	Busfield, W.
Spry, Sir S.	Talbot, J. H.
Sugden, rt. hn. Sir E.	Marsland, H.
Thornhill, G.	Blake, M. J.
Trevor, hon. G. R.	Colquhoun, Sir J.
Whitmore, T.	White, L.
Wynn, Sir W. W.	Thomson, rt hn. C. P.
Wynn, rt. hon. C. W.	Barron, H. W.

Conservatives who voted with Ministers.

Gibson, J. M.
Ingham, R
Neel, hon. W. M.
Tollemache, hon. J.T.
Wall, C. B.

The following voted with Sir R. Peel against the Bill:

Duncombe, T.
Grote, G.
Hume, J.
Jervis, J.
Jervis, S.
Leader, J. T.
Molesworth, Sir W.
O'Brien, W. S.
Turner, W.
Wakley, T.

Absent.

MINISTERIALISTS (14).

Bentinck, Lord W. (abroad)
Bernal, R.
Blewitt, R. J.
Brabazon, Sir W.
Fielden, J.
Gillon, W. D.
Grosvenor, Lord R. (abroad)
Heathcote, Sir G.
Johnson, General
Langton, G.
Martin, T.
White, S. (abroad)
Williams, W.
Wyse, T.

CONSERVATIVES (6).

Ashley, hon. H.
Goddard, A.
Harcourt, G. G. V.
Irving, J.
Ker, D.
Monypenny, T. G.

Summary of the Division.

Majority for the Bill (tellers included)	296
Minority against (tellers included) -	291
Pairs (24) - - - - -	48
Ministerialists absent - - -	14
Conservatives absent - - -	6
Vacant—Tyrone and Carlow - -	2
Speaker - - - - - -	1
	658

The House went into Committee *pro formâ*, and immediately resumed and adjourned.

HOUSE OF LORDS,

Tuesday, May 7, 1839.

Minutes.] Bill. Read a second time:—Exchequer Bills. Petitions presented. By the Duke of Richmond, from Inverness, and other places, for a Uniform Penny Postage; and from Lanark, against the Duty on Foreign Fruit.—By Lord **Brougham**, from several places, against the Beer Act.—By the Earl of **Cawdor**, from Nairn, for Church Extension in Scotland; and by the Duke of **Richmond**, from Elgin, and other places, to the same effect.

Sale of Beer.] The Earl of *Portman* begged to ask his noble Friend (Lord Brougham) who had given notice for that evening of bringing forward a Beer Bill, whether it might not be convenient to postpone it, considering that a bill upon the same subject stood for discussion on the following night in another place. He asked of him to reflect whether it might not be desirable that the subject should be taken into consideration by the Government, rather than precipitated at this moment.

Lord *Brougham* said, he could very well understand why his noble Friend said "this moment." He should not give to his noble Friend an answer at this moment, but he would give him an answer in a quarter of an hour. He then presented petitions in favour of a repeal of the Beer Bill, from Lewes, Salford, Stockport, Salford, and other places. He also called particular attention to a petition on the same subject from the mayor, clergymen, and inhabitants of Bristol.

Resignation of Ministers.] Viscount *Melbourne* said: I consider it, my Lords, my duty to seize the earliest opportunity afforded to me to acquaint your Lordships, that in consequence of the vote to which the House of Commons has come this morning, and which your Lordships may all see by the votes of that House of Parliament—a vote which, though not immediately fatal to the measure against which it was directed, yet at the same time is one, that it must be obvious to all who are acquainted with Parliamentary proceedings, is such, as they must know, will render the final success of the measure totally impossible; and considering my Lords, the measure as of the highest possible importance, of the most paramount importance, to the welfare of the great island to which it relates, and to the working out of the great measure of negro emancipation, which was voted by both Houses of Parliament with so much satisfaction, and for which such great sacrifices were made; considering, I say, this measure of the utmost, the most paramount, and indispensable importance for the completion of that great object—considering, too, that the vote on this occasion is not only necessarily fatal to the ultimate success of that great measure, but that it also does, with sufficient clearness and distinctness, indicate such a want of confidence on the part of a great proportion of that House of Parliament, as to render it impossible that we should continue to administer the affairs of her Majesty's Government in a manner that can be useful or beneficial to the country, and which render it impossible that we can take measures of energy and importance that are absolutely required by the situation and circumstances of the country; but which, my Lords, if they are taken, allow me to say, that then there is no danger or peril whatever to be apprehended from any of the conflicting and difficult matters which at present hang over this country—I say, then, my Lords, under these considerations, and under the pressure of these circumstances, we have thought it to be our duty to tender the resignation of the offices which we hold, and her Majesty has been graciously pleased to accept our resignation. And we now only retain these offices, and discharge the functions connected with them, until other arrangements can be made, and successors appointed, to carry on the business of the country.

Lord *Brougham:* My Lords, after what has fallen from the noble Lord I shall postpone the second reading of the Beer Bill, although I consider that bill to be of more importance as regards the public morals than the resignation of any ministry. I do not apprehend that any legislature will be so wanting in a due regard to what I hold to be the highest functions of the Legislature, namely, superintending the morals, the instruction, and the welfare of the people under their care, as to allow any mere party feeling, any temporary, and, it may be, only momentary gratification of those feelings, to interfere with what I hold to be the highest duty of the senate in this country. My lords, I hold this bill, the repealing the sale of beer act, to be of greater moment than any party question that can divide either House of Parliament; and I shall persist, whoever holds the office of Minister of this country, in my endeavours to obtain the repeal of a measure, which I believe to be permanently fraught with mischief to the character of the country. I have only to add, in reference to what has fallen from my noble Friend respecting the measure, touched, and as he thought justly, fatally touched by the vote of this morning in the other House of Parliament—that I greatly rejoice to hear him say that one of his reasons for lamenting the fate of that measure was, that it tended to interfere with the well working of the great measure of negro emancipation. My lords, that measure was confined to Jamaica—that measure, if it was good as a complement to the emancipation Act in Jamaica, was good for all the other slave colonies; and I therefore take the earliest occasion of stating, that I shall not be wanting in my duty to that great measure of emancipation, and that whoever holds the government of this country, I shall give that government an early opportunity of testifying what I verily believe to be the unanimous determination of all parties, of all men, and of both houses of Parliament—the strict enforcement, according to the spirit as well as the letter, of the great measure of negro emancipation all over the colonies; and no greater error—believe me—no greater error was committed by men, by parties, by assemblies, or by legislatures in general, than the Jamaica Assembly will commit, if they believe that this is a triumph of the white over the black. Men may differ as to the mode of proceeding—men may prefer one mode, or they may prefer another, but there is no loss sustained by the slave, who has been emancipated, in the loss of one measure, if other measures can be propounded, which will effectually secure the working, and enforcement in the spirit as well as in the letter, all over the colonies, as well as in Jamaica, of the great measure of negro emancipation. My Lords, all the legislators of this country, and all the people of this country, are solemnly pledged to take that course; and I do not believe that any Government can stand in this country for forty-eight hours which showed that it was not determined firmly and honestly to execute that law.

Viscount *St. Vincent* said, that being connected with Jamaica, he certainly rejoiced in the recent vote of the House of Commons. He did so, because he considered the bill that had been introduced as calculated to place both blacks and whites under an arbitrary and despotic Government.

Adjourned.

HOUSE OF COMMONS,

Tuesday, May 7, 1839.

MINUTES.] Petitions presented. By Mr. HOPE JOHNSTONE, from Kirkudbright, against the Repeal of the Corn-laws.—By Viscount DUNGANNON, from places in Cambridgeshire, against any further Grant to Maynooth College; and from Denbigh, against the Government plan of Education.—By Mr. LIDDELL, from places in the county of Durham, for Church Extension in Canada; and against any scheme of Education not founded on the Scriptures.—By Sir R. BATESON, from several places in the county of Londonderry, against compelling Presbyterian Soldiers to attend Divine Service in any but their own Chapels; and for appointing Presbyterian Chaplains to Presbyterian Regiments.—By Sir GEORGE SINCLAIR, from a place in Scotland, for the Repeal of the Catholic Emancipation Act.—By Mr. PAKINGTON, from Worcester, for Scriptural Education.—By Viscount INGESTRIE, Sergeant TALFOURD, and Messrs. BRISCOE, AGLIONBY, ELLIS, and M. PHILIPS, from a number of places, for a Uniform Penny Postage.

RESIGNATION OF HER MAJESTY'S MINISTERS.] Lord *John Russell:*—Sir, I wish to make a communication to the House, in consequence of what took place last night on the motion of the right. hon. Baronet opposite, for the rejection of the Bill to provide for the government of Jamaica. Sir, it will be evident to this House, that that was a bill requiring more than ordinary support—more than ordinary confidence—and that it has met with less support and less confidence on the part of this House than that which has usually been given to her Majesty's Ministers. It has, therefore, become their duty to consider in what position they are placed with respect to that bill. It would undoubtedly be in their power to proceed to another stage of that bill, and again to ask the opinion of the House on the question; but we see no reason to suppose that the judgment of the House, upon a second trial, would be different from that which it has already declared. We might, likewise, with the support of the majority no greater than that received last night, send the bill to the House of Lords, and leave it to the House of Lords to deal with it as they should think proper. But this course, Sir, upon a bill which certainly vests in the Government here, and the governor and council of Jamaica unusual powers, would have the appearance of throwing upon the House of Lords a responsibility, which we do not think that we are fairly entitled to throw upon them, after the vote which has been come to in the House of Commons. It therefore seems to us, that there is no option but to give up the bill which we thought it our duty to bring forward. It is, then, a question whether, having brought forward a bill of that importance, we shall leave the state of affairs in Jamaica, in the West-India colonies, and in our colonies generally, in that state in which the ministers of the Crown ought not to be content to leave these colonies. It is obvious that in Jamaica the authority of the Crown will be greatly weakened by a vote of the House of Commons, giving, in effect and in impression, support to the contumacy, as I must call it, of the House of Assembly, against the proposition of the Ministers of the Crown. But it is obvious, that the effect likewise will be, that with regard to the other colonies, where hitherto there has been, if not a ready and eager, yet an ultimate compliance with the wishes of the Crown, there will be a disposition rather to imitate the resistance made in Jamaica, than to persevere in the course of obedience which they have pursued hitherto. But there is this further question. It was our intention, and our duty, to have brought forward, within these few days, another measure relating to the colonies—relating to the important provinces of Upper and Lower Canada—the affairs of which required and still require, the most deliberate consideration of Parliament. It is evident that the measure with regard to Jamaica having been so opposed—having been opposed by such large numbers in this House, we could not calculate on that support which is necessary for the settlement of the affairs of Canada. Therefore, Sir, in continuing in the administration of affairs, not having, as we think we have not, a sufficient degree of confidence and support to carry on those affairs efficiently in this House, we should be exposing to jeopardy the colonial empire of this country, many of our colonies being, I will not say in a state of hazard, but in a state of uncertainty, concerning which, questions of considerable importance are pending. Hitherto her Majesty's Ministers have thought themselves justified in continuing in the administration of affairs, supported as we were by the confidence of the Crown, and by the confidence of the House of Commons. But, Sir, after the vote of last night, I do not think that we are entitled to say, that upon the great and important affairs of the colonies, upon which Government is obliged to come to a decision, we have such support and such confidence in this House as will enable us efficiently to carry on the public business. Sir, it has, therefore, become the duty of her Majesty's Ministers, on consideration of all those circumstances, humbly to tender their resignation to her Majesty. Sir, with regard to the course to be pursued to-night, it will be the course usual on those occasions. I shall move for a short adjournment, in order to enable her Majesty to form an administration that may carry on the affairs of the empire. But, Sir, I cannot close what I now have to say, without expressing on this occasion, as I shall be ready to express on every occasion, and as I shall feel to the latest moment of my life, my gratitude to those who have supported the Government during the four years in which we have held the arduous situations in which we have been placed—and that, too, in no unimportant difficulties—in no circumstances of ease or facility; but who have supported Government in such a manner, that although it had not at any time the confidence of a majority of the House of Lords, we felt it nevertheless consistent with our duty to carry on the administration of the affairs of the country. Sir, I say to those who have given this efficient support, and who have been always ready to show in this House that they were willing to do every thing in their power to promote the great principles on which we were agreed, I must again say, that I shall always feel the deepest gratitude. Sir, I will now only conclude by moving, that this House, at its rising, do adjourn to Monday next.

Motion agreed to. Adjourned.

HOUSE OF LORDS,

Monday, May 13, 1839.

MINUTES.] Bills. Read a first time:—Justices of Assize Pleas.—Read a second time:—Purchasers Protection.

Petitions presented. By the Duke of RICHMOND, the Marquess of BRISTOL, and the Earls of FALMOUTH, and RADNOR, from a number of places, for a Uniform Penny Postage.—By the Earl of RODEN, from several places, for appointing Presbyterian Chaplains to Presbyterian Regiments; and against compelling Soldiers to attend places of Worship not of their own persuasion.—By the Marquess of BUTE, from Auchterarder, for the Better Observance of the Sabbath; from Haddington, for Church Extension in Scotland; and from Ayr, against the Repeal of the Corn-laws.

HOUSE OF COMMONS,

Monday, May 13, 1839.

MINUTES.] Petitions presented. By Major AGLIONBY, from a place in Cumberland, against the Bastardy Clauses in the New Poor-law Act.—By Mr. FELLOWES, from St. Neot's, for Amending the New Poor-law Act.—By Colonel RUSHBROOKE, Sir W. SOMERVILLE, Sir G. H. SMYTH, Sir C. STYLE, Lord NORREYS, Colonel LYGON, and Messrs. M. PHILIPS, ACLAND, ORD, BROWNRIGG, SANFORD, J. POWER, CAYLEY, EWART, ELLIOT, and a number of other MEMBERS, from a great number of places, for a Uniform Penny Postage.—By Sir R. H. INGLIS, from Chard, against any further Grant to Maynooth College; and for the Repeal of the Catholic Emancipation Act.—By Mr. LAW, from several places, against the Ecclesiastical Duties and Revenues Bill.—By Sir C. B. VERE, Colonel PERCEVAL, and two other MEMBERS, from several places, against any further Grant to Maynooth College.—By Mr. ROUND, from one place, for Church Extension in Canada.—By Mr. T. GREENE, from Hamfield Hall, to the same effect.—By Sir E. L. BULWER, from several places, against any Alteration in the Beer-laws.—By Mr. T. D. ACLAND, from the parish of St. Martin's-in-the-Fields, for Church Extension in the Colonies.—By Mr. W. F. CAMPBELL, from several places, to the same effect.—By Sir W. MOLESWORTH, from Leeds, for putting Beer Sellers on the same footing with Licensed Victuallers.—By Lord HENNIKER, and Mr. GOULBURN, for a Colonial Church Establishment.

MINISTERIAL EXPLANATIONS.] Lord *John Russell*: Mr. Speaker since I last had the honour of addressing this House, the right hon. Gentleman opposite received from her Majesty authority to form the plan for a new administration, to be submitted for her Majesty's approval. The attempt of the right hon. Gentleman to form an administration having failed, her Majesty has been graciously pleased to permit the right hon. Gentleman to state the circumstances which led to that failure. What I propose now, therefore, is, that the right hon. Gentleman should state to the House what he may think it necessary to state, in pursuance of the permission thus granted to him by her Majesty, and I will then inform the House of the reasons which have induced her Majesty's advisers to resume the offices which I declared on the former occasion they had resigned into her hands. The course which I now propose to take, is to move that the House on its rising this evening do adjourn to Wednesday next, giving notice that when it meets on that day, I shall move that, on its rising it adjourn till Friday se'night, for the Whitsuntide Holidays.

Sir *Robert Peel* spoke as follows:* Mr. Speaker, I have reserved for this place, and for this occasion, the explanations which I feel it my duty to offer with regard to the circumstances which have induced me to relinquish the attempt to form an administration for the conduct of the public service. Sir, I need scarcely say that I disclaim any sanction for any other statements which may have appeared of these circumstances; that for them I am wholly irresponsible; and that they have been made without my authority, and contrary to my wishes, if those wishes could have prevailed.

Sir, if I were willing to forego all personal considerations—if I were content, which I am not, to be the victim of misrepresentation and obloquy,—still I apprehend that the public interests are so deeply involved in any question relating to a total change in the Government of this country, and the practice has so long prevailed of informing the public mind with respect to the circumstances which may have led to the interruption of such negotiations, that I apprehend private feelings would not be permitted to prevail; and that this House and the country would expect, that explanation should be freely given in the face of Parliament. I am aware of all the difficulties which attend explanations of this nature, and of the peculiar difficulties which attend them under existing circumstances. From a part of those difficulties (in themselves insuperable without such permission) I have been relieved by the gracious permission which I have received from her Majesty to give an explanation of the circumstances under which I relinquished the attempt to form an administration. I applied yesterday to Lord Melbourne for that authority: I need not read my own letter, as it is embodied in the reply which I received from his Lordship, dated "South Street, May 12;" and which communication I will now beg to read to the House.

"*South Street*, May 12, 1839.

"Lord Melbourne presents his compliments to Sir Robert Peel, and having already, in expectation of such a request, taken her Majesty's pleasure upon the subject, feels himself authorised at once to signify to Sir Robert Peel her Majesty's full permission to explain the circumstances under which he recently relinquished the attempt to form an Administration; and, with that view, to make use of the correspondence with her Majesty which took place on the 10th of May."

Every one probably will acknowledge, therefore, that I am equally authorized and called upon to give this explanation. In giving it, Sir, my chief anxiety is, that I may be fully mindful of the sacred obligation under which I am placed, to do entire justice to that illustrious Lady who has been a party in this transaction. Sir, I hope that, under any circumstances, I should have felt the full force of that obligation; but if anything could add to my sense of the imperativeness of it, it would be the relation in which I have so recently stood to my Sovereign, and the intercourse which I have been permitted to hold with her. Of course, Sir, much communication must have passed with respect to the formation of a Government, which does not immediately bear upon the particular point upon which explanations are required; but if, in the course of my statement, I should omit anything which others in possession of the facts think ought to be stated, I invite the noble Lord to call for further explanation on any point whatever, and I will most willingly give it. Let him put any question that he may think material, and I will, to the best of my power, give a clear and full answer to it. I will now proceed to a statement of all those facts which appear to me to have the slightest reference to the necessity for the present explanation. I waited upon her Majesty by her Majesty's desire, at 2 o'clock on Wednesday the 8th of May. Her Majesty had previously seen the Duke of Wellington, and had invited him to assist her Majesty in the formation of a Government. The Duke of Wellington had informed her Majesty, that, in his opinion, the chief difficulties which a Government would have to encounter would be in the House of Commons; and therefore, partly upon other considerations, but chiefly on that account, the Duke of Wellington advised her Majesty to send for one who would have the advantage of appearing in the House of Commons as her Majesty's Minister, and at the same time suggested my name as the person best qualified to undertake the task. I waited upon her Majesty, and was asked by her Majesty whether I was willing to undertake the duty of forming an Administration? Her Majesty observed to me, that she had parted with the Administration which had just resigned with great regret. Her Majesty said, that her late Ministry had given her entire satisfaction; but that it had become necessary, in consequence of their resignation, that her Majesty should take some steps for the formation of a new Administration. I do not think it necessary, to enter into minute details of what passed on this occasion. It is sufficient to say generally, that it is impossible, that any one could express feelings more natural and more becoming than her Majesty did on this occasion, and at the same time principles more strictly constitutional with respect to the formation of a new Government. I informed her Majesty, that I was not insensible to the enormous difficulties with which I had to contend; but I stated, that having been a party to the vote and proceedings of the House of Commons which led to the present difficulty, nothing should prevent me from tendering to her Majesty every assistance in my power. I thought a paramount obligation was imposed upon me to take that course, by the fact that I was the cause of the difficulty in which her Majesty was placed. I undertook, therefore, the duty of forming an Administration, and proposed to her Majesty, that I should return on the following day, hoping, that I might be enabled, even in that short interval, to present such a general arrangement for the formation of a Government as should ensure the Administration of the chief executive offices of the State, and give an assurance to the public, that I was determined promptly and energetically to execute the duty I had undertaken. Sir, I conferred, in the course of Wednesday, with some friends whom I had the more immediate opportunity of summoning to my aid, and requested from them permission to submit their names for her Majesty's approval to constitute a part of the Government. Those to whom I refer were eight in number, and were the following:—

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* From a corrected report.

Duke of Wellington,
Lord Lyndhurst,
Earl of Aberdeen,
Lord Ellenborough,
Lord Stanley,
Sir James Graham,
Sir Henry Hardinge,
Mr. Goulburn.

I waited upon her Majesty, the following day, at one o'clock, and submitted those names for her Majesty's approval. I mentioned to her Majesty, that while the Duke of Wellington placed his services entirely at her Majesty's disposal, yet his own inclination would be gratified if he were permitted to be in the Cabinet without any office, and take the lead in the House of Lords. Her Majesty expressed a particular wish that the Duke of Wellington should hold some important office. I told her Majesty I should, of course, submit that wish, on the part of her Majesty, to the Duke of Wellington, and I could not doubt, that he would forego any private inclination of his own, and consent to undertake any office, however important. No question arose as to the formation of the Administration, or as to the principles on which the Government was to be formed or conducted, to which it appears to me to be necessary to refer; but again I remind the noble Lord, that if I am omitting any thing which he thinks material, I will supply it—if he has any question to put, eliciting more ample information, I will instantly reply to it. It was not until Thursday that that difficulty or misconception arose which led to my relinquishing my attempt to form an Administration. Sir, that difficulty related exclusively to that portion of the household which is filled by the Ladies in her Majesty's service. Her Majesty conceded what could be wished or expected with respect to that part of the household which is filled by Noblemen or Gentlemen holding seats in either House of Parliament. The difficulty arose with respect to certain portions of that part of the establishment which is filled by the Ladies of the household. Sir, I think it infinitely better on this point—the one on which the difficulty arose—I think it infinitely better, after mature consideration, that I should not enter—in the first instance, at least, nor unless invited by the noble Lord—into any statement whatever of impressions on my own mind with respect to what took place, but that I should refer exclusively to the letters which passed on the subject; because, if I were to state here impressions of my own, I must detail verbal communications that passed where two parties only were present; and myself, one of the party, being alone in this House to offer explanations of what occurred. I approach, then, that point with respect to which the difficulty on this occasion arose; and for the purpose of enabling the House to form a judgment with respect to the nature of that difficulty, I shall confine myself altogether to the written documents which passed on the occasion, in which are conveyed the impressions on the mind of her Majesty, and the impressions on my own mind with regard to the purport and effect of the communications that passed between her Majesty and myself, in respect to certain appointments in the household which are held by Ladies. Now, whatever blame may attach on account of imperfect explanations, I am content to bear it; whatever consequences may result from misconception, let them be visited upon me: but as to my intentions in regard to the Ladies of the household, I must not only state them, but I must prove them by the most unequivocal testimony. On the Wednesday evening—that is, the day before I saw her Majesty on this particular point—I had an opportunity of conferring with all those whom I proposed to submit to her Majesty as Ministers. I saw them on Wednesday night at my own house about ten o'clock. I then stated to them—and there are four of them now present who heard the communication, and can give their evidence upon it—my right hon. Friend the Member for the University of Cambridge (Mr. Goulburn), the Member for Launceston (Sir H. Hardinge), the Member for Pembroke (Sir James Graham), and my noble Friend the Member for North Lancashire (Lord Stanley); I stated to them, and to the Peers whom I have before named, the course which I meant to pursue with respect to the household. I had very little information with respect to the household, and had very little considered the matter (I am speaking of the female part of it); I really scarcely knew of whom it consisted. I took the "Red Book" into my hand, and saw there the different appointments of the household. I said to those who were intended to be my future colleagues, that, with respect to all the subordinate appointments—meaning every appointment, without exception, below the rank of a Lady of the bedchamber—I should propose to her Majesty no change whatever with respect to those. With respect to the superior class, I stated, that those Ladies who held offices of that class, and who were immediate relatives of our political opponents, would, I took it for granted, relieve us from any difficulty, by at once relinquishing their offices. But I stated, at the same time, that I did think it of great importance, as conveying an indication of her Majesty's entire support and confidence, that certain offices in the household, of the higher rank, if not voluntarily relinquished by the Ladies holding them, should be subject to some change. Even with respect to the higher offices, namely, the Ladies of the Bedchamber, I did state, however, that there were some instances in which, from the absence of any strong party or political connexion, I thought it would be wholly unnecessary to propose a change. My noble and right hon. Friends will confirm what I assert. This passed on the evening of Wednesday; and I mention it only in complete proof of my intentions, being perfectly willing, as I before observed, to have transferred exclusively to me whatever blame may attach to the imperfect explanation of my views. I saw her Majesty on Thursday, and verbal communications took place on this subject. As I stated before, into the nature of those communications I shall not now enter in the slightest degree. I shall merely read the two letters which passed; one conveying the impressions of her Majesty, and the other my own. The letter which I had the honour of receiving from her Majesty is dated May 10, 1839. I received it at an early hour on Friday morning, and it is as follows:—

"Buckingham Palace, May 10, 1839.

"The Queen, having considered the proposal made to her yesterday by Sir Robert Peel, to remove the Ladies of her Bedchamber, cannot consent to adopt a course which she conceives to be contrary to usage, and which is repugnant to her feelings."

Immediately—that is, in two or three hours after having received the letter from her Majesty, I addressed to her Majesty a letter, of which this is a copy, dated Whitehall, May 10:

"Whitehall, May 10, 1839.

"Sir Robert Peel presents his humble duty to your Majesty, and has had the honour of receiving your Majesty's note of this morning.

"In respectfully submitting to your Majesty's pleasure, and humbly returning into your Majesty's hands the important trust which your Majesty had been graciously pleased to commit to him, Sir Robert Peel trusts that your Majesty will permit him to state to your Majesty his impression with respect to the circumstances which have led to the termination of his attempt to form an Administration for the conduct of your Majesty's service.

"In the interview with which your Majesty honoured Sir Robert Peel yesterday morning, after he had submitted to your Majesty the names of those whom he proposed to recommend to your Majesty for the principal executive appointments, he mentioned to your Majesty his earnest wish to be enabled, with your Majesty's sanction, so to constitute your Majesty's household that your Majesty's confidential servants might have the advantage of a public demonstration of your Majesty's full support and confidence; and that at the same time, as far as possible consistently with that demonstration, each individual appointment in the household should be entirely acceptable to your Majesty's personal feelings.

"On your Majesty's expressing a desire that the Earl of Liverpool should hold an office in the household, Sir Robert Peel requested your Majesty's permission at once to offer to Lord Liverpool the office of Lord Steward, or any other which he might prefer.

"Sir Robert Peel then observed, that he should have every wish to apply a similar principle to the chief appointments which are filled by the Ladies of your Majesty's household; upon which your Majesty was pleased to remark, that you must reserve the whole of those appointments, and that it was your Majesty's pleasure that the whole should continue as at present, without any change.

"The Duke of Wellington, in the interview to which your Majesty subsequently admitted him, understood also that this was your Majesty's determination, and concurred with Sir Robert Peel in opinion that, considering the great difficulties of the present crisis, and the expediency of making every effort in the first instance to conduct the public business of the country with the aid of the present Parliament, it was essential to the success of the commission with which your Majesty had honoured Sir Robert Peel, that he should have that public proof of your Majesty's entire support and confidence, which would be afforded by the permission to make some changes in that part of your Majesty's household, which your Majesty resolved on maintaining entirely without change.

"Having had the opportunity, through your Majesty's gracious consideration, of reflecting upon this point, he humbly submits to your Majesty that he is reluctantly compelled, by a sense of public duty, and of the interest of your Majesty's service, to adhere to the opinion which he ventured to express to your Majesty.

"He trusts he may be permitted at the same time to express to your Majesty his grateful acknowledgments for the distinction which your Majesty conferred upon him, by requiring his advice and assistance in the attempt to form an administration, and his earnest prayers that whatever arrangements your Majesty may be enabled to make for that purpose, may be most conducive to your Majesty's personal comfort and happiness, and to the promotion of the public welfare."

These are the letters that passed, and I add nothing to the simple reading of them. But though I shall not now enter into any further verbal explanation as to the nature of the communications which I had with her Majesty, I hope I may be permitted to notice some misrepresentations which have been circulated with regard to my conduct. I have heard, even since I came into this House to-night, that I made some proposal to the Queen, as to the noblemen and gentlemen of her household, which ought not to have been made. The only names I submitted to her Majesty for situations in the household (besides that of Lord Liverpool, whom her Majesty herself mentioned, as one whom she was anxious to select for office), were those of Lords Ashley and Sidney. I said to her Majesty that I thought it probable, that the appointment of Lord Ashley would be personally acceptable to her Majesty, and that if this were the case, I would entreat Lord Ashley to forego for the present any object of political ambition, and accept a place near her Majesty's person. I solemnly declare my sole object in naming either Lord Ashley or Lord Sidney, was to do that which I thought would be most agreeable to the Queen. I have also heard it stated, that I called for the dismissal of the whole of the ladies of the household. It has been said, that even the earliest friend of her Majesty, the Baroness Lehzen, I insisted should be removed. I heard this rumour on the evening of Friday; and my answer to the person who informed me of it was, "This is the first time for the last four days that the name of the Baroness Lehzen was ever uttered by me, nor did it ever occur to me that she was one of the Ladies whose removal I ought to seek." I must refer once more—still charging myself with all blame for any misconception which may have been occasioned by imperfect explanation—to the testimony of my noble and right hon. Friends near me, as to the exact truth of the statements which I have now made. Sir, I did decline to undertake the duty of forming an administration, on the express understanding that the whole of the appointments held by Ladies of the Court should without exception be continued: but I did so on public principles, and from a sincere belief that it was impossible for me to encounter the difficulties by which I was encompassed in attempting to conduct public affairs, unless I had the fullest and most unequivocal proof that I possessed the confidence of her Majesty. It appeared to me that there never was a period when the demonstration of that confidence was more absolutely necessary for a Minister. The duties of the office of a Prime Minister are, I conceive, the most arduous and the most important that any human being can be called on to discharge: it is the greatest trust, almost without one single exception, in the civilised world which can be devolved upon any individual. Sir, I was ready to undertake the performance of those duties; but could I look around me, at the present condition of public affairs—could I look around me and not see that it was my absolute duty to this country, and above all to her Majesty, to require that every aid that could be given me should be given? What were the questions which would immediately press for my decision? The state of India—the state of Jamaica—the state of Canada—would all require my immediate consideration; and with respect to some of them, the proposal of legislative measures. I considered the internal state of this country—I saw insurrection in the provinces—I saw the letter of the noble Lord opposite (Lord John Russell), inviting the respectable part of the population of this country to form themselves into armed societies for resisting outrage. Surely, Sir, in addition to the ordinary difficulties besetting the course of a Prime Minister, there are circumstances which render that position at the present moment peculiarly onerous and arduous. I had a strong impression that it was my duty to make every effort to conduct public affairs through the intervention of the present Parliament. I did not think it was desirable to follow the course taken in 1834, and commence the Government by a dissolution. After the frequent dissolutions that have taken place, and in the balanced state of parties, it was my deep conviction, that it was my duty to make every effort in the first instance to conduct public affairs through the intervention of the present Parliament. But what is my condition in the present Parliament? I should begin the Government in a minority. I did not shrink from the difficulty; but considering the questions that press for decision—considering the internal state of this country, could I overlook this important fact, that in the House of Commons I should not commence my career commanding a majority?—Now, I ask this plain question:—Being invited to take upon myself the responsibility of conducting public affairs, and taking it without the confidence of the House of Commons, could I ask for less, than that I should have, at least, the demonstration of the entire and unqualified confidence of the Crown? Her Majesty's Ministers retired on the question of Jamaica, being in a majority of five; I should have had to undertake the settlement of the Jamaica question, being in a minority of five, and that minority including ten Gentlemen on whose support I could not calculate probably on any other question which I should have occasion to bring before the House. The first conflict I should have to fight would be on the selection of a Speaker. On the very first day that I took my seat in the House of Commons as Minister of this great country, I should have to risk the fate of Government upon the choice of a Speaker. These considerations, Sir, impressed me with the clearest conviction, that it was a public duty on my part, an indispensable public duty, which I owed to the country, and which I owed especially to the Queen herself, as the Sovereign of that country, to seek for every possible demonstration that I possessed her Majesty's entire confidence. And I do confess to you, without reserve, and without hesitation, that it appeared to me, that if the chief offices of the Queen's household were to be held by the immediate relatives of those Ministers whom I displaced—the relatives of my future opponents and rivals for political power—it did appear to me, that I never could impress the country with the conviction, that I, as a Minister, was possessed of the entire confidence of my Sovereign. Sir, let me take that particular question on which my chief difficulty would arise. Who can conceal from himself that my difficulties were not Canada; that my difficulties were not Jamaica; that my difficulties were Ireland? [*Ironical Cheers.*] I admit it fully, and thank you for the confirmation of my argument which those cheers afford. And what is the fact? I, undertaking to be a Minister of the Crown, and wishing to carry on public affairs through the intervention of the present House of Commons, in order that I might exempt the country from the agitation, and possibly the peril, of a dissolution—I, upon that very question of Ireland, should have begun in a minority of upwards of twenty Members. A majority of twenty-two had decided in favour of the policy of the Irish Government. The chief Members of the Irish Government, whose policy was so approved of, were the Marquess of Normanby and the noble Lord opposite, the Member for Yorkshire (Lord Morpeth). By whom are the two chief offices in the household at this moment held? By the sister of Lord Morpeth, and the wife of Lord Normanby. Let me not, for a moment, be supposed to say a word not fraught with respect towards those two ladies, who cast a lustre on the society in which they move, less by their rank than by their accomplishments and virtues; but still they stand in the situation of the nearest relatives of the two Members of the Government whose policy was approved by this House, and disapproved by me. Now, I ask any man in the House, whether it is possible that I could with propriety and honour undertake the conduct of an Administration and the management of Irish affairs in this House, consenting previously, as an express preliminary stipulation, that the two ladies I have named, together with all others, should be retained in their appointments about the court and person of the Sovereign? Sir, the policy of these things depends not upon precedent—not upon what has been done in former times: it mainly depends upon a consideration of the present. The household has been allowed to assume a completely political character, and that on account of the nature of the appointments which have been made by her Majesty's present Government. I do not complain of it—it may have been a wise policy to place in the chief offices of the household ladies closely connected with the Members of the Administration; but remember that this policy does seriously tend to the public embarrassment of their successors, if ladies, being the nearest relatives of the retired Ministers, are to continue in their offices about the person of the Sovereign. I do not say that there would be the slightest use made of unfair means; I might be confident that these ladies would confine themselves to the duties of their proper situations; but observe, that is not the question. That remark will apply equally to the Lords of the bedchamber; for the presumption is, that they do not interfere with public official duties. But the question is, would it be considered by the public, that a Minister had the confidence of the Crown, when the relatives of his immediate political opponents held the highest offices about the person of the Sovereign? My impression decidedly was, that I should not appear to the country to be in possession of that confidence; and that impression I could not overcome; and upon that impression I resolved to act. Who were my political opponents? Why, of the two I have named, one, the Marquess of Normanby, was publicly stated to be a candidate for the very same office which it was proposed I should fill, namely, the office of Prime Minister. The other noble Lord (Lord Morpeth) has been designated as the leader of this House; and I know not why his talents might not justify his appointment in case of the retirement of his predecessor. Is it possible—I ask you to go back to other times; take Pitt or Fox, or any other Minister of this proud country, and answer for yourselves this question—Is it fitting, that one man shall be the Minister, responsible for the most arduous charge that can fall to the lot of man; and that the wife of the other—that other his most formidable political enemy—shall, with his express consent, hold office in immediate attendance on the Sovereign? Oh, no! I felt it was impossible that I could consent to this—that I could contend successfully with the difficulties that encircled me, unless I had the proof which I required of the entire confidence of her Majesty. As I stated before, I was to begin almost hopeless of commanding a majority in the House of Commons. I was to begin, having nothing to rely upon but an appeal to their good sense, upon an appeal to their forbearance—to their political forbearance—for the hope of support in the present House of Commons; being perfectly prepared, however, on the failure of my attempt to govern with the present House of Commons, to advise her Majesty to resort to the only alternative which might present itself to enable me to maintain my post, namely, that of dissolution. But if the agreement—if the express condition upon which I was to enter upon office, was to be, that the ladies of the Ministers who preceded me, of the Ministers whom I had just displaced, of those men with whom I was about to enter into daily conflict as my rivals for power, were to continue in immediate contact with the Queen,—then I felt, yes, feelings more powerful than reasoning, or than precedents, told me, that it was not for my own honour, nor for the public interests, that I should consent to be the Minister of England. The public interests may suffer nothing by my abandonment of that high trust; the public interests may suffer nothing by my eternal exclusion from power;—but the public interests would suffer, and I should be abandoning my duty to myself, to the country, and, above all, to the Queen, my Sovereign, if I were to consent to hold power on conditions which I felt to be — which I had the strongest conviction were — incompatible with the authority and with the duty of the office of Prime Minister. Sir, I have attempted to give this explanation in as fair and unexceptionable a manner as I could; and I owe it to truth to state, that intervening reflection has only served to confirm every impression under which I acted.

Lord *J. Russell:* I feel, on addressing the House on this occasion, most peculiarly that difficulty to which the right hon. Gentleman has adverted—namely, that he has been obliged to give explanations with reference to conversations held with her Majesty (for the letter which he has read is, in fact, a summary of his impressions with regard to those conversations), and that he is the only person who in Parliament can state what passed on those occasions. I am, therefore, rejoiced to find, that the right hon. Gentleman has avoided, as much as possible, all allusion to particular parts of conversation, and that although there appears to be some misconception as to what took place, on the part of the right hon. Gentleman, I am glad to find it is not a misconception on a point on which the right hon. Gentleman thought it necessary to insist, and to which her Majesty was not willing to accede. I feel, that it is a great consolation to me to be able to say this, because I am sure, that it is far better, whatever may be the opinion of the Parliament or of the country, that the difference should be, not as to a misconception of conversations and of facts that took place, but a difference as to the principles on which an Administration should be formed during her Majesty's Reign. I will state some points to which I am authorised to refer, and I will mention one particular instance in which a different impression appears to exist on the mind of her Majesty from that which the right hon. Baronet has stated to the House, leaving it to him, if he think proper, to re-assert or explain anything he has already said. The last time I had the honour of seeing her Majesty before I addressed the House on Tuesday last, I informed her Majesty, that the Members of the Cabinet had determined to tender their resignations to her Majesty. Lord Melbourne had not then seen her Majesty, and it was through Lord Melbourne that the resignations were to be officially tendered and formally accepted. On taking leave of her Majesty, Lord Melbourne, on that occasion, thought proper to mention to her Majesty some things which were usually done on changes of Administration (what seemed, in fact, to be the established practice), and likewise advised her Majesty, that the best course she could pursue would be to send for the Duke of Wellington, and to take his advice respecting the steps that she should take. It has been stated, that Lord Melbourne gave that advice. It is perfectly true that he did so. It has been also stated, that I gave similar advice. Such, however, is not the fact, because, considering the situation I held, I did not consider, that it was competent to me to offer any advice to her Majesty on the subject. Her Majesty accordingly sent for the Duke of Wellington, and he referred her Majesty to the right hon. Gentleman. There has been a statement made on which I have asked her Majesty what was the impression on her mind, and the right hon. Gentleman has stated nothing in contradiction to it. It was, that in the first interview with the Duke of Wellington and the right hon. Baronet, the right hon. Baronet alluded to the formation of her Majesty's household. Her Majesty's apprehension of what took place was this: that Lord Melbourne informed her Majesty, that it had been usual in later times, when an Administration was changed to change the great officers of the household, and also to place at the disposal of the person entrusted with the formation of a new Administration those situations in the household which were held by Members of either House of Parliament. With respect to the Ladies of the Bedchamber Lord Melbourne did not tender any advice whatever, nor offer any suggestion as to what he considered to be the usual practice upon that point. It did not occur to Lord Melbourne that there was likely to be any question upon that subject. The right hon. Baronet has observed, that there had been many things stated to the public, and that many incorrect impressions have obtained in the public mind with respect to the transactions of the last few days. Under such circumstances I really believe it will be better, that I should state the bare facts, as far as they have come to my knowledge, being perfectly convinced, that in the end, between the right hon. Baronet and myself there will be no material difference as far as those facts are concerned. The right hon. Baronet saw her Majesty, I believe, on the Wednesday. He has stated what took place upon that occasion, and also what subsequently transpired between himself and his own political friends. He has further stated, that he again saw her Majesty on Thursday, and mentioned to her the names of some persons whom he proposed to form part of her Majesty's new Administration. Now, I am informed, that her Majesty having in the first instance expressed (as the right hon. Baronet has stated) regret at the necessity which compelled her to change her Administration, at the same time declared her determination to deal with him with perfect openness and frankness; and that, I am sure, would be the nature and character of the treatment which any gentleman admitted to the same high and distinguished honour as the right hon. Baronet would be certain of receiving at the hands of her Majesty. The right hon. Baronet has stated, that with regard to the political offices of the Administration, and with regard to the great offices of the household, and other offices in the household held by Members of either House of Parliament, her Majesty's concessions were all that he could desire, in order to impart efficiency to his Administration. There, then, occurred the question with respect to the ladies of the household. The right hon. Baronet has stated in his own letter what took place upon that point, and I shall beg again to call the attention of the House to it, omitting that part of the letter which refers to Lord Liverpool. I am anxious to do this, that the House may see more clearly and distinctly the principle upon which the right hon. Baronet proposed to act. The right hon. Baronet, in his letter, says:—

"In the interview with which your Majesty honoured Sir Robert Peel yesterday morning, after he had submitted to your Majesty the names of those whom he proposed to recommend to your Majesty for the principle executive appointments, he mentioned to your Majesty his earnest wish to be enabled, with your Majesty's sanction, so to constitute your Majesty's household, that your Majesty's confidential servants might have the advantage of a public demonstration of your Majesty's full support and confidence, and that, at the same time, as far as possible, consistently with that demonstration, each individual appointment in the household should be entirely acceptable to your Majesty's personal feelings."

After this came the paragraph which referred to Lord Liverpool, and with which I do not feel it necessary again to trouble the House. [Sir *Robert Peel* requested that the paragraph might be read.] Then I will read it. It is as follows:—

"On your Majesty's expressing a desire, that the Earl of Liverpool should hold an office in the household, Sir Robert Peel requested your Majesty's permission at once to offer to Lord Liverpool the office of Lord Steward, or any other which he might prefer."

These two paragraphs of the letter certainly showed the principle on which the right hon. Baronet was disposed to act, which appeared to be this—that whilst he must claim the privilege of recommending to the chief offices of the household persons who were attached to his own party, he would not press the appointment of any who were not personally acceptable to her Majesty. The wish expressed by the right hon. Baronet was so to constitute her Majesty's household that her Majesty's confidential servants might have the advantage of a public demonstration of her Majesty's full support and confidence, and, that at the same time, as far as possible, consistently with that demonstration, each individual appointment in the household should be entirely acceptable to her Majesty's personal feelings. This was followed by the paragraph which related to Lord Liverpool, and afterwards came a passage to which I must call the attention of the House.—

> "Sir Robert Peel then observed, that he should have every wish to apply a similar principle to the chief appointments, which are filled by the ladies of your Majesty's household; upon which your Majesty was pleased to remark, that you must reserve the whole of those appointments, and that it was your Majesty's pleasure, that the whole should continue as at present, without any change."

That is, in point of fact, the main statement contained in the right hon. Baronet's letter—it is the statement upon which he rested the relinquishment of the trust confided in him by the Queen. The right hon. Baronet now states, that the terms in which the sentence is expressed, may not be such as sufficiently to explain his meaning. He tells us that his meaning was not to interfere with the inferior offices of the household, but merely to extend the principle for which he contended, to the chief appointments in the household. The impression upon the mind of her Majesty certainly was, that the right hon. Gentleman requested the power to constitute that part of the household which related to the ladies of the bedchamber, and that those offices, as well as other inferior appointments, should be subject to change at the recommendation of the Minister. Her Majesty not being disposed to concede that point, the right hon. Baronet continued his letter in these terms:—

> "The Duke of Wellington, in the interview to which your Majesty subsequently admitted him, understood also that this was your Majesty's determination, and concurred with Sir Robert Peel in opinion that, considering the great difficulties of the present crisis, and the expediency of making every effort, in the first instance, to conduct the public business of the country with the aid of the present Parliament, it was essential to the success of the commission with which your Majesty had honoured Sir Robert Peel, that he should have that public proof of your Majesty's entire support and confidence which would be afforded by the permission to make some changes in that part of your Majesty's household which your Majesty resolved on maintaining entirely without change."

These words referred to a conversation which the right hon. Gentleman had with the Duke of Wellington; but, as I before stated, although this might be the impression on the right hon. Baronet's mind, which was not sufficiently explained, or which, if explained, was not sufficiently understood by her Majesty, I think there was at once an end to any proposal for either an entire or a partial change, by her Majesty's declaration, that she wished the whole of them to remain. After the right hon. Baronet had declared his wish to be so authorized, and her Majesty had declared that it was a concession she could not make, her Majesty again sent to Lord Melbourne, and consulted his Lordship as to the form of the answer which she should make to the proposition of the right hon. Gentleman. Lord Melbourne, finding her Majesty not disposed to yield to the proposal of the right hon. Baronet, or to submit to the removal of any part of the household, with the exception of those connected with Noblemen and Gentlemen of either House of Parliament, sent for his colleagues, in order to take their opinion as to the advice they might give her Majesty as to the form of the answer she should give. The answer given by her Majesty, which has been likewise read by the right hon. Gentleman, is in these terms:—

> "The Queen having considered the proposal made to her by Sir Robert Peel, to remove the ladies of her bedchamber, cannot consent to adopt a course which she conceives to be contrary to usage, and which is repugnant to her feelings."

Now, Sir, the question as I conceive is, whether it was essential, to enable the right hon. Gentleman to form a government, that her Majesty should accede to the proposal made by the right hon. Baronet. In the view of her Majesty, whether that proposal had been for a total change of the ladies of the bedchamber, or whether it was for a partial change, the principle would have been equally repugnant to her feelings and destructive to her comfort; because it appeared to her Majesty, and as I think, most truly, that if, in pursuance of the powers granted to him, the right hon. Gentleman should propose the removal of some of the ladies of the household, and that afterwards any one or two other ladies should be proposed, this right hon. Gentleman, being then Prime Minister of this country, and that principle having been conceded, it would have been utterly impossible for her Majesty to say that, for the sake of any one particular lady, or for the sake of any one particular friend of her Majesty, she would risk the breaking up of an administration in contesting the principle, to the practice of which she had given her assent. The question then is—her Majesty feeling so strong an objection to this proposal, whether her Majesty was authorized in saying, that it was a course which she conceives to be contrary to usage, and repugnant to her feelings. Now I cannot on this occasion admit—I do not think that I should be in the least justified in admitting, that if the practice proposed by the right hon. Baronet is contrary to former usage—if the Kings and Queens of this realm have not acted in conformity to it, I am not prepared to admit that her present Majesty is to assent to a course repugnant to her feelings, if former usage does not justify the request. What has been the usage in this respect? It will be difficult to find cases exactly suited to that of a Queen Regnant, a case which, since the death of Queen Anne, has not occurred in this country. In 1710, however, Lord Sunderland having been removed from the office of Secretary of State, and Lord Rialton from the office of Comptroller of the Household, the ladies of those Noblemen, both daughters of the Duke of Marlborough, remained ladies of the bedchamber from the month of August, 1710, when their husbands were dismissed, till December, 1711, when they—their father the Duke, having been removed in a manner which they thought was unjust to that great man—resigned voluntarily their situations. Since that time we certainly have not had any precedent exactly in point. There have been from time to time changes in the household consequent upon changes in the Administration; but all those changes have been far more limited in extent than the change proposed by the right hon. Baronet. In 1782 Lord Rockingham allowed the Duke of Montagu to remain Master of the Horse, and none of the Queen's household were changed. Again, in 1783, the Lord Chamberlain, the Lord Steward, with the Lord Treasurer, were removed: but all the ladies of the bedchamber remained. In 1806, the same principle was acted upon. In 1812, a question was raised with respect to the household by Lords Grey and Grenville. The question addressed by them to Lord Moira, was in these terms:—" Whether full liberty extended to the consideration of new appointments to those great offices of the household which have been usually included in the political arrangements made on a change of administration; intimating their opinion, that it would be necessary to act upon the same principle on the present occasion." Lord Moira answered, " That the prince had laid no restriction on him in that respect, and had never pointed in the most distant manner, at the protection of those officers from removal; that it would be impossible for him, however, to concur in making the exercise of this power positive and indispensable in the formation of the administration, because he should deem it, on public grounds, peculiarly objectionable." Now, it would be observed, that the power asked by Lords Grenville and Grey, and upon the refusal of which their efforts to form an administration failed, was a power to change only the great officers of the household, and did not in any way apply to the Lords of the bed chamber, or to the smaller offices in the royal establishment. During the late King's reign, there were several changes of administration, and on those occasions, the great officers were changed, but not other persons holding other offices; they were not changed, as in the case of Sir William Freemantle. It appears therefore, that the power claimed by the right hon. Baronet, at the hands of her Majesty, was a power greater than has ever before been conferred on any similar occasion; and that the power actually given, was equal to any power that was ever extended to a person charged with the formation of an administration, by any Sovereign on the throne of this realm. I cannot put out of the question these facts, with regard to usage, and I think, that her Majesty having, as the right hon. Baronet says, given him full power with regard to the political administration—having given him full power also with regard to the great officers of the household, and to those offices held by Members of either Houses of Parliament—the failure of the attempt to form an administration cannot justly be laid either to her Majesty, or to those who have consented, upon the proposition being made to them, to support her Majesty upon this occasion. With regard to the other part of the question—to the course which her Majesty considers to be contrary to usage, and repugnant to her feelings, it certainly did appear, that the placing at the disposal of the person who was to form her Majesty's administration, and who was afterwards to be her Prime Minister, the appointment to those offices, held by ladies, with whom her Majesty was in daily and hourly converse and communication, would destroy her Majesty's personal comfort, and would lead to continual changes in those with whom she was intimately connected. Upon this subject I certainly think, that the cases which, it is true, are not exactly and formally in point—namely, the cases of Queens consort of this realm, constitute precedents which, upon a matter of this kind, where the personal feeling and personal convenience of the sovereign is concerned, do immediately apply. In the late reign, as the right hon. Baronet is well aware, the ladies of Queen Adelaide's household were ladies whose husbands gave their votes constantly in opposition to the King's Government. I do not remember, except upon one occasion, ever hearing that there was even an idea that the ladies who held those situations should be removed. In 1832, when the ministry had resigned upon the Reform Bill—when there was a very strong popular excitement throughout the country, so strong as to induce those who had undertaken to form an administration, to resign the attempt; and when the ministry was restored, there was an apprehension that some of the ladies of the Queen's household would be removed by Lord Grey; but it was a most groundless alarm, because, neither that noble Lord nor his Government, ever entertained the slightest wish to interfere with the comfort of her Majesty. The right hon. Gentleman had stated, that he had great political difficulties to contend with, and he alluded particularly to the state of affairs in Canada, in India, in Jamaica, and more especially to the state of Ireland. That there were difficulties, upon all those questions was undoubtedly true; but I own, that it appears to me that the right hon. Baronet would gain no strength by imposing upon her Majesty a condition which was repugnant to her feelings. I do not say that the right hon. Baronet, in mentioning the proposals he meant to make with regard to an administration, might not have remarked to her Majesty that some of the places in the household, being held by ladies connected with those who were his immediate opponents, would be a disadvantage to him in carrying on his Administration; but I do think, that when the right hon. Baronet once found that such a change was repugnant to her Majesty's feelings, that so far from gaining strength by insisting upon such a change, it would have been a positive weakness in the new Administration. These are matters merely of delicacy of feeling. Supposing that her Majesty, against her will, had consented to the removal of certain of these ladies, and that others had been appointed in their places, it would have been quite impossible for the right hon. Baronet to insist that her Majesty should receive the new comers with the same grace and favour as she had been in the habit of receiving those who, contrary to her wish, had been dismissed. I think, therefore, that in point of policy, immediately that the right hon. Baronet found that there was an objection in the royal mind to his proposal, it would have been far better (I mean for the right hon. Baronet's own sake), if he had at once withdrawn it; because, I say this, that the knowledge that a condition had been imposed upon her Majesty with regard to the ladies of the household against her Majesty's consent must have been for a long time a source of irritation and discontent in the mind of the Sovereign with whom the right hon. Baronet would have to deal; whilst, on the contrary, if he had at once relinquished a proposition which he found to be so highly distasteful, it was more likely that her Majesty would treat him with the greater confidence, because her Majesty, being herself of a high and generous spirit, would have felt the generosity on the part of the right hon. Baronet which dictated such conduct. And this, be it remembered, was a proposition made to a Sovereign of no mature age, very young when she came to the throne, and of a sex which calls for the peculiar exercise of generosity. But I am sure the country and the world will be convinced that neither the sex of her Majesty will make her deficient of courage, nor will the age of her Majesty prevent her having a just discrimination and a sound and calm understanding. I say this, not because the right hon. Gentleman, either in the manner in which he conveyed his proposition to her Majesty, or in what he said to-night, has either said or done anything on public grounds which he is not entitled to state as a public man; but I am putting the case of a feeling which the proposition of the right hon. Gentleman might be expected to excite with those who would be likely to take an impression of what had been done. The right hon. Baronet has referred to public impressions; there might have been a public impression which her Majesty would be very unwilling to receive. Her Majesty was pleased, on Friday last, after she had received the letter of the right hon. Baronet, resigning at once the commission with which her Majesty had honoured him, to order my attendance upon her. Her Majesty stated the circumstances to me very much as the right hon. Gentleman has stated them; with respect to herself, exactly as the right hon. Gentleman had stated them. But with regard to the proposition of the right hon. Gentleman, her Majesty certainly had not gathered the precise nature of the manner in which the right hon. Gentleman proposed to use the power which was to have been granted. Her Majesty, after making those statements to me, was pleased to ask whether I thought she was justified in making that refusal; and when I stated that I thought her Majesty was justified, her Majesty was then pleased to observe, that as her Majesty, in possession of the powers of the Crown, had hitherto given her support to the Administration, she hoped I would consider myself bound now to support her Majesty in return. On the next day, a cabinet was held in Downing-street, and her Majesty's confidential servants, after a consultation, expressed their opinion with regard to these matters in a minute, an extract from which I will take liberty to read to the House:—

> "Her Majesty's confidential servants having taken into consideration the letter addressed by her Majesty to Sir Robert Peel on the 10th of May, and the reply of Sir Robert Peel of the same day, are of opinion that, for the purpose of giving to the Administration that character of efficiency and stability, and those marks of the constitutional support of the Crown, which are required to enable it to act usefully to the public service, it is reasonable that the great officers of the Court, and situations in the household held by Members of Parliament, should be included in the political arrangements made in a change of the Administration; but they are not of opinion that a similar principle should be applied or extended to the offices held by ladies in her Majesty's household."

I have stated that what her Majesty conceded was as much as ever was conceded by any Sovereign to a person honoured with the task of forming an Administration. I have also stated that what was further proposed by the right hon. Baronet was not conformable to any usage, and that it was a proposal which was, at the same time, repugnant to her Majesty's feelings. The question then was, whether her Majesty's former Ministers, notwithstanding the difficulties which had made them tender their resignations, were willing so far to act as to state their concurrence with her Majesty in her refusal, and thus to become constitutionally responsible for that refusal [*Cheers and laughter.*] I see that hon. Gentlemen opposite seem to think it a subject of great derision that her Majesty's servants should have come to the decision to support that refusal. They appear to treat it as a matter of lightness and gaiety. But I, for my part, am prepared to say that, great as those difficulties may have been, though compelled, as I felt myself by a sense of duty, to tender my resignation to her Majesty, I do conceive that it is no matter of derision, but matter of great public import, that those who think that her Majesty was justified in what she has done should not refuse to assume the responsibility which belongs to their opinion—that they should neither conceal nor evade the avowal of it, and that they should trust to the opinion of Parliament and of the country as to the result.

Sir *Robert Peel:* I can assure the noble Lord that he has relieved me from the greatest load of anxiety I ever suffered under during my whole life; I was so fearful that in the statement I might make upon this subject I should appear in the slightest manner to do injustice to my Sovereign. Notwithstanding some of the observations made by the noble Lord, I think there is so important difference in the statements we have made. Under these circumstances, although the noble Lord has invited me to enter into any further explanation I might think fit, I very much doubt whether upon the whole it would not be better to let the matter rest where it is. I think it will be more respectful to her Majesty. I will reply only to one point. The noble Lord inquired of me whether her Majesty did not state to me that it was her intention to act towards me with openness and fairness. Her Majesty certainly did state that I should find her act with perfect openness and fairness, and I thought I had conveyed my impression upon that point when I stated that nothing could be more becoming or more constitutional than the whole of her Majesty's conduct. Let me now, however, distinctly declare that her Majesty did treat me throughout with perfect openness and frankness.

Lord *J. Russell:* It will be as well that I should state, although it certainly is not necessary, but it may be satisfactory to the right hon. Baronet, that for my own part I have nothing to complain of in the statement he has made.

Mr. *W. Duncombe* wished to know whether the noble Lord would have any objection to state his reason proposing that the House should adjourn till Wednesday, because, if he understood the noble Lord rightly, he proposed that the House should adjourn over to-morrow, till Wednesday, and from Wednesday to Friday se'nnight. Now it must be apparent to every one that Wednesday was an extremely inconvenient day, as it was usually a day on which very little public business was transacted. He was reminded also that it was the day of the Derby. The adjournment to Friday se'nnight was unusually long for the Whitsun holidays, and he wished to know whether the noble Lord had any reason to assign for that protracted adjournment. He did not complain of it, but he thought the country had a right to know why the uniform practice was departed from. He wished also to know whether the House would, on the Friday after the adjournment, proceeded to the important duty of the election of Speaker?

Lord *J. Russell* replied that he certainly did not think that the course he had proposed was very unusual, although there were circumstances which would have justified him in asking for a longer adjournment. He believed that former adjournments had been for ten days. The Thursday in Whitsunweek was the Queen's birth-day, therefore he would not propose that the House should adjourn to that day. As to the other question of the hon. Gentleman, he believed that it was necessary to have a message from the Crown, but if there were no objection to the election of Speaker on that day, it would take place on the Friday after the adjournment.

Mr. *W. Duncombe* said the noble Lord had not stated why the House should not meet to-morrow.

Lord *John Russell:* The House might meet to-morrow if they wished it.

Sir *Robert Peel* earnestly entreated that no objection should be made to the course proposed; but he would suggest whether, as private business was very pressing, the House might not meet to forward private bills, on the distinct understanding that nothing else should be proceeded with.

Lord *John Russell* had no objection to to the House meeting to-morrow on the understanding that it met only for private business; but as matters of considerable importance required the deliberate attention of the Government, he should not be present to answer any questions.

The House adjourned.

HOUSE OF LORDS,

Tuesday, May 14, 1839.

MINUTES.] Bills. Received the Royal assent:—Exchequer Bills; Collegiate Churches; Appointments Suspension; and a number of Private Bills.—Read a second time:—Bishops Residences.

Petitions presented. By the Marquess of TAVISTOCK, the Earls of GALWAY, FITZWILLIAM, and CAWDOR, and Lords RAYLEIGH, ASHBURTON, and several other noble LORDS, from several places, for a Uniform Penny Postage.—By the Earl of HADDINGTON, from Edinburgh, and Lord GLENELG, from one place, for Church Extension in Scotland.—By the Marquess of ANGLESEA, from Anglesea, for the Amendment of the New Poor-Law Act.

GOVERNMENT OF IRELAND COMMITTEE.] Lord *Wharncliffe* said, he wished to call the attention of their Lordships to a publication which had appeared in the *Standard* newspaper of yesterday, which had reference to the committee now sitting to inquire into the cause of crime in Ireland. Though he did not mean to bring the matter forward as a breach of privilege, still he felt that it was totally impossible, in justice to that committee, not to take some notice of it. Indeed, if it were not actually a breach of privilege, it was an exceedingly improper interference on the part of the press with respect to the proceedings of a committee of that House. The following was the publication which had appeared in the *Standard*, quoted from the *Dublin Mail*, and headed "Committee of the House of Lords—Irish Inquiry:"—

"One is really disposed to ask the question, was Lord Normanby, or is Captain Drummond, a ribbandman? Had they been sworn of the rebellious brotherhood, or anxious tor the promotion of the hellish schemes which banded these traitorous men in a bloody conspiracy, they could not have been apparently more sedulous to promote their objects, or more anxious to preserve their secrets, than they have been. We speak not of the general and sweeping denial of the existence of any such confederacy as that stated to be in mischievous operation. False and foolish as such a denial was, it wanted the circumstantiality necessary to fasten the positive participation of the parties in those atrocities to which life and property have been sacrificed in Ireland; but the truth is out, and what ulterior measures the committee may recommend, or the House of Lords adopt, must be matter of consideration. This committee, which, by the way is indefatigable in its labours, sat on Wednesday from one o'clock until five. Mr. Despard, a police magistrate, was under examination the entire day, and his evidence, respecting the riband conspiracy, was truly important. He had been directed to bring with him all the documents connected with the subject; but not having done so, he was questioned as to the reason, when he admitted that he called on Mr. Drummond on his way through Dublin, and was directed by that person to withhold the documents"

The writer went on to say—

"The question is, will the Lords submit to this indignity? Will they tolerate this gross violation of their privileges? Will they commit the culprit to Newgate, or, treating his insolence with contempt, will they be content to leave the carrion, and fly at the higher quarry? Our firm belief is, that nothing short of an impeachment of Lord Normanby will satisfy the ends of justice, and of its issue no one who is acquainted with the evidence can entertain a doubt.."

Now, the effect of this publication undoubtedly was, to charge the noble Marquess opposite, and to charge Mr. Drummond, with causing certain documents to be withheld, for the purpose of preventing the truth coming out. He had, however, to state to their Lordships, the unanimous opinion of the committee that this allegation was contrary to the fact, and that no denial of any one document on the part of Mr. Drummond, had occurred, at the request of the noble Marquess or of any one else. The real state of the case was this. A letter had been written to Mr. Despard, requesting his attendance before the committee He was not desired in that letter to bring documents with him. A private letter had, however, been sent to this gentleman by Lord Roden, with respect to the production of documents. On his way here the witness called on Mr. Drummond, in Dublin, showed him that letter, and asked whether he would enable him to produce the documents referred to. To that Mr. Drummond answered, that not having received a regular summons from the committee, he could not give up the documents. That was the reason why the documents were not produced. When the examination had gone on to a certain extent here, it was found that they could go on no further without the documents. The committee took time to consider the question, and on a communication being made to Lord Morpeth, it was directed that all the documents required should be immediately produced. The paragraph of the newspaper was so improper and direct a charge against the noble Marquess and Mr. Drummond. that he had been desired by the committee to notice it in the House.

The Marquess of *Normanby* was not aware that the noble Lord meant to bring this subject forward, and certainly nothing could be more fair than the manner in which he had introduced it. But he wished to take that opportunity of stating to their Lordships, that, objecting as he did to the appointment of that committee, objecting still further to its composition, and conceiving that he might have occasion hereafter to object to its proceedings, he felt it to be quite consistent with the line of conduct which he had originally taken, when he declared that he would not share in the proceedings of that committee—he felt that it was perfectly consistent with that determination, as there appeared to be a sort of impression created, that evidence existed to prove a *primâ facie* case of a general Riband conspiracy in Ireland—now to entreat his noble friend, and through him the members of the committee, to send for every document, however minute, connected with the conduct of the Irish Government—to send for every officer, however closely connected with the Irish Government, that they might fully examine them, and ascertain the fact whether the Government, at the head of which he was, did not by every means in their power, direct and collateral, exert themselves to come at the truth, and to discover the existence of any such conspiracy as had been so often alluded to, whenever any intimation of such a system was given to the Government. He was anxious that the most ample information should be brought before the committee; and he would take that opportunity of stating to his noble Friend, that it was the duty of the committee to examine every officer, however he might have been connected with the Irish Government, who it was supposed could give any information on this subject. It would, he believed, be found, that they had on every occasion endeavoured to do their duty justly and impartially. He begged leave just to say one word in explanation of a misstatement which had been made with respect to an observation that had fallen from him on a former occasion. He had not given a general denial of any conspiracy being in existence in Ireland, but he had denied that there was any general political conspiracy in the country. Such was his impression when he left Ireland, and such was his impression now, but he was desirous that the utmost facilities should be given for inquiring into the whole course of proceeding adopted by the Government.

The Earl of *Roden* observed, that it was necessary to say a word, in consequence of the observations which had fallen from his noble Friend (Lord Wharncliffe). He could assure their Lordships, that there was no individual Member of that Committee who more fully concurred in the desire that the utmost fairness should be manifested in this inquiry towards the noble Marquess and every individual connected with the Irish Government than himself. He should now briefly state the reasons which induced him to write the letter which had been alluded to. He was totally unacquainted with those individuals who had been summoned as witnesses. He understood, however, that they were only summoned to attend themselves, and that they would come without certain papers which were necessary to the investigation. He therefore wrote to them, stating, that, as they were summoned to give evidence, it was necessary to a full examination of the question, that they should bring with them all papers connected with their knowledge of the Riband Society. These officers, very properly, laid this letter before Mr. Drummond, and as his noble Friend had stated, Mr. Drummond said, that under the circumstances he could not allow the documents to be produced. Subsequently, on application to Lord Morpeth, a desire was expressed, that every facility should be given, and that all necessary documents should be laid without delay before the Committee. He regretted, that anything connected with the proceedings of the Committee should go forth except in a regular and proper manner; and he hoped, that before long, the Committee would be able to report to the House on this most important subject.

The Duke of *Richmond* said, in his opinion, Mr. Drummond would have ill-performed his duty if he had permitted those papers to be laid before the Committee. Some of the papers were of such a nature as could not, with propriety, be laid before any Committee of their Lordships, because they had reference to trials that were now going on. He could not give any opinion as to when the Committee would report, or as to what that the report might be, but this he would say, that he had seldom seen any committee more numerously attended, or at which greater attention was paid to the important subject under consideration.

The Marquess of *Westmeath* said, when the noble Marquess opposite, in a debate on a former occasion, entered into an explanation on the subject of the disturbances which prevailed in Ireland, he stated his conviction, with respect to the Riband system in that country, that it was got up for agrarian purposes, and had nothing to do with political feeling, so he understood the noble marquess, who appeared now to adhere to the same doctrine.

The Marquess of *Normanby*.—What I stated was, that there was no evidence of a general political conspiracy in Ireland.

Lord *Wharncliffe* deprecated further discussion, and the conversation ended.

MINISTERIAL EXPLANATIONS.] Viscount *Melbourne* said: My Lords, I hope your Lordships will excuse me when I come forward and throw myself upon the consideration of your Lordships for having, for one night after the announcement that I made on Tuesday last of my having tendered to her Majesty the resignation of the office which I held, of her Majesty having accepted the same, and of her Majesty having graciously requested me and my colleagues to retain office, until her Majesty should have made such arrangements as would lead to the appointment of our successors,—I say, my Lords, that I owe to your Lordships an apology for having appeared for one night again as a Minister of the Crown, without at the same time seizing an opportunity of explaining what has taken place, and stating the grounds on which I departed from the resolution which I before announced to your Lordships. My Lords, I thought it not unnatural—those negotiations, of which an account was to be given, having been conducted by other persons, I necessarily being wholly ignorant of them, and they being known only to two persons, one of whom only, as has been well expressed, is present in Parliament to give an account of them—I say, my Lords, it did appear to me not unnatural to expect that those who had been engaged in those negociations, or some person on their part, would begin by making some statements of those parts of the transactions of which they were witnesses. I had, my Lords, some expectation that such a course would in the first instance have been pursued in this House, and I felt perfectly certain, from the communications that have taken place, that the course would have been pursued in this House which has been pursued in another place; and I thought that it would much more tend to an accurate, a comprehensive, and a dispassionate consideration of the subject, that a statement of those parts of these transactions should be made by those cognizant of them, because from the statement so made, and from the documents produced, I should be able to judge how far it would be necessary for me to make a supplementary statement, or to produce more information or other documents, or to state generally what might be necessary to be said, in order to place the matter before this House in the fullest manner, and at the same time in the most satisfactory form. My Lords, these are the reasons by which I have been delayed from making a statement on a former occasion, for which omission I very humbly beg leave to beg your Lordships' pardon. My Lords, permission, as your Lordships know, has been given by her Majesty to a right hon. Baronet, a Member of the other House, and to the noble Duke opposite, to release them from the obligations which they took upon themselves; and her Majesty has permitted them to state the circumstances of the case to this House, if they think proper, and to make use for that purpose of the documents which have passed between her Majesty and themselves. I now beg leave very succinctly and very shortly to state to the House the part I have borne in these transactions. On Tuesday morning the vote of the House of Commons occurred, and in the course of that day, namely, on Tuesday, as I have already stated, I and my colleagues tendered our resignations to her Majesty, and upon the meeting of this House on Tuesday, I declared to your Lordships the fact. On Wednesday morning I had, as I conceived, my last audience of her Majesty. As I understand the negotiations, in the first place the noble Duke opposite was sent for by her Majesty, and afterwards the right hon. Baronet, who takes so extremely prominent a part in the other House of Parliament. On Thursday evening, about six o'clock, I was again summoned by her Majesty, and upon being admitted into her Majesty's presence, her Majesty informed me, that her Majesty considered that the negotiations with the right hon. Baronet were, in effect, at an end, and were terminated; that her Majesty had granted one or two audiences to the right hon. Baronet, and that at the audience of that morning the right hon. Baronet proposed to her Majesty the arrangements that had been made by him for the construction of a Ministry; but that at the close of that audience the right hon. Baronet made a proposal, that he should have the power of dismissing the ladies of her Majesty's household, not stating to what extent he would exercise that power—not stating how many, or whom, it was his intention to propose to remove—but asking the power of dismissing the ladies of the household, and leaving unquestionably upon her Majesty's mind a very strong impression, that it was intended to employ that power to a very great extent—to such an extent, certainly, as to remove all the ladies of the bedchamber, as well as some of those filling an inferior situation in the household. Such, my Lords, was the impression on her Majesty's mind — an impression which, from what has since transpired, is evidently erroneous. No doubt such an impression was a mistaken one. The right hon. Baronet has distinctly stated, that he had no such intention, and there cannot be the slightest doubt upon the point. Her Majesty informed me that she considered the negotiations at an end, and that she had promised the right hon. Baronet to send him a final answer, and that she had recourse again to my advice and assistance; and her Majesty requested me, to advise her with respect to the form of the answer by which she should communicate her determination, of which the right hon. Baronet had been already apprised. My Lords, it is evident that it was not for me alone to come to any determination on this subject, and I immediately therefore summoned the rest of my colleagues. We held a meeting—I told them the whole circumstances of the case, and unquestionably being of opinion that her Majesty was justified in the course which she had taken —being unquestionably of opinion that it was not advisable, not fitting, not just, either for her Majesty's present comfort or for the future happiness of her reign, that the ladies of her household should be subject to the changes and vicissitudes of political parties — unquestionably we did advise her Majesty to return to the right hon. Baronet the following answer:—

"Buckingham Palace, May 10, 1839.

"The Queen, having considered the proposal made to her yesterday by Sir Robert Peel, to remove the ladies of her bedchamber, cannot consent to adopt a course which she conceives to be contrary to usage, and which is repugnant to her feelings."

To this letter, after two or three hours, her Majesty received from the right hon. Baronet the following answer:—

"Whitehall, May 10, 1839.

"Sir Robert Peel presents his humble duty to your Majesty, and has had the honour of receiving your Majesty's note of this morning.

"In respectfully submitting to your Majesty's pleasure, and humbly returning into your Majesty's hands the important trust which your Majesty has been graciously pleased to commit to him, Sir Robert Peel, trusts that your Majesty will permit him to state to your Majesty his impression with respect to the circumstances which have led to the termination of his attempt to form an administration for the conduct of your Majesty's service.

"In the interview with which your Majesty honoured Sir Robert Peel yesterday morning, after he had submitted to your Majesty the names of those whom he proposed to recommend to your Majesty for the principal executive appointments, he mentioned to your Majesty his earnest wish to be enabled, with your Majesty's sanction, so to constitute your Majesty's household, that your Majesty's confidential servants might have the advantage of a public demonstration of your Majesty's full support and confidence, and that at the same time, as far as possible consistently with that demonstration, each individual appointment in the household should be entirely acceptable to your Majesty's personal feelings.

"On your Majesty's expressing a desire that the Earl of Liverpool should hold an office in the household, Sir Robert Peel requested your Majesty's permission at once to offer to Lord Liverpool the office of Lord Steward, or any other which he might prefer.

"Sir Robert Peel then observed, that he should have every wish to apply a similar principle to the chief appointments which are filled by the ladies of your Majesty's household, upon which your Majesty was pleased to remark, that you must reserve the whole of those appointments, and that it was your Majesty's pleasure that the whole should continue as at present, without any change.

"The Duke of Wellington, in the interview to which your Majesty subsequently admitted him, understood also that this was your Majesty's determination, and concurred with Sir Robert Peel in opinion, that considering the great difficulties which at the present crisis, and the expediency of making every effort in the first instance to conduct the public business of the country with the aid of the present Parliament, it was essential to the success of the commission with which your Majesty had honoured Sir Robert Peel, that he should have that public proof of your Majesty's entire support and confidence which would be afforded by the permission to make some changes in that part of your Majesty's household, which your Majesty resolved on maintaining entirely without change.

"Having had the opportunity through your Majesty's gracious consideration, of reflecting upon this point, he humbly submits to your Majesty that he is reluctantly compelled, by a sense of public duty, and of the interests of your Majesty's service to adhere to the opinion which he ventured to express to your Majesty.

"He trusts he may be permitted at the same time to express to your Majesty his grateful acknowledgments for the distinction which your Majesty conferred upon him, by requiring his advice and assistance in the attempt to form an administration, and his earnest prayers that whatever arrangements your Majesty may be enabled to make for that purpose may be most conducive to your Majesty's personal comfort and happiness, and to the promotion of the public welfare."

I entirely agree in the principles laid down by her Majesty. I entirely agree that it is not expedient to apply the principle in the manner for which it was contended by the right hon. Baronet; for there was no objection to other parts of her Majesty's household. We so entirely concur in the opinion of her Majesty, for reasons which I need not now go into, and, as it does not appear necessary on the present occasion to argue the subject; but we so entirely agree with her Majesty, that it is inexpedient to apply the principle, that the ladies of her Majesty's household should be removed, that all or any part of them should be removed in consequence of changes in the Administration; that, so entirely agreeing in opinion with her Majesty on this principle, we have come to the determination to support her Majesty on the present occasion. I know very well, my Lords, that in coming to this determination, and in arriving at this conclusion, not only with all my colleagues, but particularly myself, we may be exposed to all kinds of insinuations. I know that we shall be exposed to the charges of having intrigued; of having laid down a preconcerted plan; of having beforehand taken care that his objection should be made, and of rendering abortive any attempt to form another Administration. My Lords, I know very well, that in situations like mine, men are exposed to insinuations and to accusations of this kind. I know, my Lords, they will not be made in this, as they have not been made in the other House of Parliament, but they are made in quarters of considerable weight and influence, and come from quarters of considerable weight and influence, and therefore I cannot allow them to pass either unnoticed or uncontradicted. I know that it is a bad thing to have nothing to oppose to charges and to imputations of this nature, except it be one's own personal assertions. I can say, my Lords, that when I parted with her Majesty on Wednesday morning last, I tendered to her Majesty advice as to whom she ought to apply, and the course which her Majesty should take. I thought it to be my duty to give that advice in consequence of the novelty of the situation in which her Majesty was placed, and the difficulties by which she was surrounded. But I most distinctly assert and affirm, and this, not using many assertions or protestations, because I think that many assertions and protestations might have the effect upon your Lordships, as they have upon me, of throwing a doubt upon the veracity of the man who uses them; but I distinctly declare, and decidedly affirm, that as to the ladies of the household, I gave her Majesty no advice whatsoever, because, I fairly declare, that I did not expect—that I did not entertain a notion—and that I could not conceive—that that proposition could have been made. I had not unquestionably anticipated it, and most undoubtedly I never mentioned the subject to her Majesty. I do not know why it was suggested. There are many reasons, in my opinion, why the proposition should not have been made to her Majesty. There are many reasons why it is very obviously wrong. I say nothing now of the prudence, the policy, or the expediency of such a proposition as this. It is not for me to instruct the noble Duke opposite, or the right hon. Baronet, or the noblemen and gentlemen who acted with them. They have had much greater experience in the conduct of political affairs than myself. But I too, my Lords, have had some political experience in the reign of his late Majesty, and can from that have some idea of the relations that ought to subsist between the Sovereign and the Minister. I have had some experience as to the bearings of these matters, and I can assure your Lordships that in these personal matters strokes of force never work well; they are never worth the labour that is expended upon them; and that they give a tone and a character to the beginning of a career which never produce any good; but, on the contrary, they produce alienation of feeling, and irritation, which are ten times worse than any inconvenience which they are intended to obviate. I have, my Lords, had some experience in these matters, and I give you this as my decided opinion. I do not deny that there might have been some of the supporters of the noble Lords opposite who might have spoken on this matter, and who might have felt strongly; but there, my Lords, is the difficulty, as I well know by experience. But, then, it happens that these inconveniences are often imaginary, and they are always much exaggerated; and depend upon it they are as nothing, when compared with the inconveniences attendant upon the sort of force which was adopted upon the present occasion. I should hope, my Lords, that all angry and irritating feelings will be abstained from on the present occasion—that they will not be allowed to enter into the arguments used on this occasion. I reserve to myself, my Lords, the power, which I am sure your Lordships will permit me to make use of, to reply to any observations which may be made, if indeed any such should be made. There are many accusations which have been put forward—accusations of the general and usual character, upon a person in my situation, to which I am exceedingly callous. There are some accusations, the truth of which I do not feel, and towards which I am very insensible. These are the accusations of tenacity of office—a desire for place—the imputation of being actuated by motives of ambition, or motives of avarice. I know not that I altogether deny them, and I am sure that I care very little about them; but I should be exceedingly sorry if the accusation could be made, and justly made, against me, of running away from my post amid the dangers and difficulties of the country, or of abandoning any party in the country by whom I have been maintained and supported. I own, my Lords, that I have a very strong feeling upon this subject, and I should be very sorry if the reproach or the accusation could with any show of justice be cast upon me. When I was removed from office in the year 1835, I declared upon occasions which were then afforded me of addressing bodies of my fellow subjects, that it was by difference of opinion and disunion amongst our supporters that the Administration had been broken up, and that nothing but complete concord and agreement, nothing but the most complete co-operation of all who in any degree thought with us might re-establish us in power, or maintain us for any length of time after we were re-established. The union which I advised was established and subsisted for a considerable period. It appears to me at last that it was broken up; and thinking that there was so much discord amongst my supporters as to render it impossible for me to continue to conduct the Government with the strength and efficiency which the state of affairs demanded, or to take the measures necessary for the safety and well being of the country—I resigned my office—I resigned, I will not use so harsh a term as to say because I was abandoned by my supporters, but because there had, as I conceived, arisen amongst my supporters that amount of difference in opinion, which led me to suppose that I could no longer with honour to myself, or advantage to the country, conduct the affairs of Government; and I now, my Lords, frankly declare that I resume office unequivocally and solely for this reason—that I will not abandon my Sovereign in a situation of difficulty and distress, and especially when a demand is made upon her Majesty, with which I think she ought not to comply—a demand, in my opinion, my Lords, inconsistent with her personal honour, and which, if acquiesced in, would make her reign liable to all the changes and variations of political parties, and render her domestic life one constant scene of unhappiness and discomfort.

The Duke of *Wellington* spoke as follows:—In addressing you, my Lords, on the present occasion, I shall endeavour to imitate the moderation of a part of what the noble Viscount has said; and, in doing so, I think that I shall pursue the course which is most becoming to my own situation, most suitable to the subject I have to discuss, and most agreeable to the feelings of your Lordships; and, my Lords, in order that I may sustain the same tone of moderation with which I commence, I will take the liberty of laying aside those reports to which the noble Viscount has referred, and which, in my opinion, have nothing to do with the subject now before your Lordships. Probably, if I were inclined to enter into a discussion of those reports, I could find a little to say upon them likewise, and in referring to them I might be induced, as the noble Viscount has been induced, to depart from that tone of moderation to which it is my firm intention to adhere throughout the whole of the address which I am now about to make to your Lordships. I must, however, say, that I have one advantage over the noble Viscount in respect to reports. I have served the Sovereigns and the public of this country for fifty years, and throughout the whole of that period I have been exposed to evil report and to good report, and I have still continued to serve on through all report, both good and evil, and thus I confess myself to be completely indifferent to the nature of reports. It does, however, surprise me to find, that in the course of the last few days I have been traduced as having illtreated my most gracious Sovereign—I, who was about to enter into her service, and to be responsible for her Government—for no other reason that I know of save that I was going at my time of life to take upon myself the trouble of sharing in the Government. Having been so treated all my life, I have gained the advantage of being able to preserve my temper under it, and this advantage I have over the noble Viscount, who seems very sensitive about certain reports circulated respecting him, with as little foundation as the reports about myself which I have just mentioned to your Lordships. The noble Viscount commenced the observations which he addressed to your Lordships, by stating, that he expected that I should have commenced the discussion of these subjects, and not himself. I am much obliged to the noble Viscount for the compliment he thus offered me; but, unless a question had been put to me pointedly, I do not know that I should have had any occasion to give any explanation respecting them. I certainly should not have thought it necessary to give any explanation to-day, had I not been called upon by what has just been stated by the noble Viscount; for I have heard that a most full, a most distinct, and a most satisfactory explanation of these transactions was given by my right hon. Friend, the Member for Tamworth, last night, in another place. However, my Lords, I admit that you have reason to expect, when a Member of your body has been engaged in such negotiations as these, that he should explain to you what has passed, especially when he is called upon to explain by one of his brother peers. My Lords, it is perfectly well known, that I have long entertained the opinion, that the Prime Minister of this country, under existing circumstances, ought to have a seat in the other House of Parliament, and that he would have great advantages in carrying on the business of the Sovereign by being there. Entertaining such an opinion, it was only to be expected that I, who on a former occasion had acted upon it, should, if again called upon by my Sovereign, recommend her to select a Member of the House of Commons to conduct the affairs of her Government. When the noble Viscount announced in this House, on Tuesday last, that he had resigned his office, the probable consequences of that annunciation occurred to my mind, and I turned my attention, in consequence to the state of the Government at the present moment—to the state of the Royal authority—to the composition of the Royal household, and to all those circumstances which were likely to come under my consideration, in case I were called upon to assist in advising the composition of another Administration. I confess, that it appeared to me impossible, that any set of men should take charge of her Majesty's Government without having the usual influence and control over the establishment of the royal household—that influence and control which their immediate predecessors in office had exercised before them. As the Royal household was formed by their predecessors in office, the possession of that influence and that control over it appeared to me to be especially necessary, to let the public see that the Ministers who were about to enter upon office had and possessed the entire confidence of her Majesty. I considered well the nature of the formation of the royal household under the Civil List Act passed on the commencement of her Majesty's reign. I considered well the difference between the household of a Queen consort and the household of a Queen regnant. The Queen consort not being a political person in the same light as a Queen regnant, I considered the construction of her Majesty's household; I considered who filled offices in it; I considered all the circumstances attendant upon the influence of the household, and the degree of confidence which it might be necessary for the Government to repose in the members of it. I was sensible of the serious and anxious nature of the charge which the Minister in possession of that control and influence over her Majesty's household would have laid upon him. I was sensible, that in everything which he did, and in every step which he took as to the household, he ought to consult not only the honour of her Majesty's Crown, and her royal state and dignity, but also her social condition, her ease, her convenience, her comfort, in short everything which tended to the solace and happiness of her life. I reflected on all these considerations as particularly incumbent on the Ministers who should take charge of the affairs of this country; I reflected on the age, the sex, the situation, and the comparative inexperience, of the Sovereign on the Throne; and I must say, that, if I had been, or if I was to be, the first person to be consulted, with respect to the exercise of the influence and control in question, I would suffer any inconvenience whatever, rather than take any step as to the royal household which was not compatible with her Majesty's comforts. There was another subject which I took into consideration—I mean the possibility of making any conditions or stipulations in respect to the exercise of this influence and control over the household. It appeared to me, that the person about to undertake the direction of the affairs of this country who should make such stipulations or conditions would do neither more nor less than this—stipulate that he would not perform his duty, that he would not advise the Crown in a case in which he thought it his duty to advise the Crown, in order that he might obtain place. I thought, that no man could make such a stipulation and consider himself worthy of her Majesty's confidence, or entitled to conduct the affairs of the country. I thought it impossible that such a stipulation should be made. Nor did I think it possible, that the Sovereign could propose such a stipulation or condition to any one whom her Majesty considered worthy of her confidence. First of all, the Sovereign making or proposing such a stipulation must suppose, that her Minister is unworthy of the confidence of the Crown; but suppose him to be worthy of confidence, and to break off all communication in consequence of the proposal of such stipulations, then the Sovereign would be placed in a very disagreeable and awkward position—a position into which I am thoroughly convinced, from what I have seen of the Sovereign now on the Throne, she never will be thrown. With respect, my Lords, to the share I took in these negotiations, I have to state to your Lordships, that I waited by command on her Majesty on Wednesday last. I am not authorised to state what passed in conversa-

Mr. *Labouchere* regretted he had not been previously apprised of the question. As the question was one of the greatest public importance, and which had caused a great degree of excitement in Canada and the United States, and as great exaggeration and misrepresentation existed, he trusted the House would allow him to state exactly what the facts were. The House would recollect that in the month of December last, the province of Upper Canada was invaded by 400 armed men from America, who committed the greatest excesses within the colony. They began by shooting and setting fire to the houses of the peaceable inhabitants. They committed barbarities and atrocities which would have disgraced, not only Christians, but the most savage race. The persons whom they killed they mangled in the most cruel and shocking manner. Such was the conduct of that body of men which the militia of Upper Canada, under the orders of Colonel Prince, turned out to oppose. After a short time the invaders were defeated and the outrages suppressed. After describing the events of the action, Colonel Prince said, in his letter to the Governor, that four prisoners were brought in and shot by his orders. Besides this statement, a representation was made and signed by a considerable number of the inhabitants, adding that they were put to death with many circumstances of great inhumanity. The consequence was, that the Lieutenant-Governor referred the whole subject to a court of inquiry, presided over by officers of the regular army. The result of that inquiry was, that all the circumstances of aggravation and inhumanity had been disproved; and it was further proved, that these imputations were not only false, but founded upon personal ill-will towards Colonel Prince. The fact, however, remained undisputed, that Colonel Prince did, after the engagement, order four persons to be summarily put to death. He would not enter into the question which had been raised, whether it was strictly legal that persons who had committed such atrocious acts, who had invaded a friendly territory, were or were not beyond the pale of the laws which regulate the wars of civil nations. But this he was prepared to say, having stated these circumstances of palliation, which might be justly urged, that not one word of defence or justification of such conduct should ever pass his lips. He deeply regretted that such an event should have happened, and he trusted that the House would be satisfied with a pledge, on the part of the Government, that no means should be left untried to prevent the possibility of such an outrage being committed again.

Mr. *Hume* merely asked whether the papers detailing this transaction would be laid before the House, as it was a transaction not only affecting the honour of the army, but which had produced an intense sensation throughout the United States.

Mr. *Labouchere* was not prepared to lay those papers before the House.

ADJOURNMENT.—THE SPEAKER.] Lord *John Russell* rose for the purpose of moving that this House should, at its rising, adjourn till Monday, the 27th of May, and should the Speaker, to the great regret of the House, persist in his resolution of not resuming the Chair after the holidays, he should on that day communicate to the House the pleasure of the Crown on that subject; and in order that the House might immediately proceed to the election of a Speaker, he should move that they meet on that day at half-past three. There was only one other subject on which he should address the House—that was with regard to the subject of Jamaica; he should not at present state what course the Ministers of the Crown were prepared to pursue. But he wished to state, that on Thursday, the 30th of May, either his right hon. Friend, the under Secretary for the Colonies, or himself, would bring forward a motion on the affairs of Jamaica; and until that motion had been taken into consideration, he should not propose any further proceedings upon the bill then before the House.

The *Speaker* then rose, and said: As this is the last occasion on which I shall have the honour of presiding over the deliberations of this House, I cannot retire without expressing my most grateful acknowledgments for the kindness and support which have been so generally afforded to me, and which have sustained me in the discharge of my duties.

It was natural that the circumstances under which I was first placed in the Chair should create in my own mind a feeling of embarrassment, and weaken my confidence in my efforts. I most gratefully and unreservedly declare that I have throughout received as prompt and cordial support from those who opposed, as from those who supported my election. This circumstance gives me the greatest pleasure, because it convinces me that the desire to uphold the authority which is necessary for enforcing propriety and regularity in the proceedings of the House is the first and strongest feeling among its Members. I am very sensible of my own imperfections, and I claim no other merit than that of having been influenced by an earnest and sincere desire to discharge my duty in all departments of the business of the House, and towards all persons, with courtesy, firmness, and impartiality.

I shall always retain the strongest feeling of gratitude for the favourable construction which has been put on all my acts, and my last wish will be, that this House may be so guided and governed in all its proceedings and conduct, as to ensure the honour, the security, and the happiness of the people whose destinies are confided to its care.

Arming of Chartists.] Mr. *Williams Wynn* could not help expressing his surprise that so long an adjournment of the House should be proposed while the internal state of the country was so agitated. Six months had now elapsed since certain parties had recommended the people generally to procure arms. They knew that in different parts of the country those recommendations had been carried into effect, that fire arms had been provided, and that pikes had been made to a very great extent. Up to the present moment, they were publicly sold, and no steps had been taken to put an end to it. He had hoped that before that time the noble Lord who was charged with the care of internal affairs would have brought forward some measure on the subject, or, at all events, that he would have stated what the feelings of Government were upon the matter. Deadly weapons had been provided by a large number of people in the country, and it was no wonder that special constables should shew some reluctance in the discharge of their duties, they being armed only with the weapon provided by law for a constable. He was not afraid of the ultimate success of the parties who were misleading the people. What he was afraid of was, that if this arming continued unchecked, it would lead to a lamentable degree of bloodshed. In his opinion the House was not doing its duty by consenting to such a long adjournment without taking some measures for strengthening the hands of the magistrates, in the circumstances in which the country was now placed.

Lord *John Russell* had to state that throughout the period alluded to, which had been a most anxious one, the Government had not been unmindful of what was going on; but he had thought that it was better to rely on the existing law than to come down to that House for other measures, without a positive and imperious necessity for doing so, because the objects of the persons influencing the minds of the people, and inciting them to arm, were so clearly mischievous—so many of their acts so clearly exposed them to the penalties of the law, that it was impossible that they could meet with any general sympathy. He had always found, however, that when extraordinary measures were taken in Parliament in such a case, a sympathy was created, and a jealousy excited with regard to the constitution, which ought not to be suspended without absolute necessity. Still he was not prepared to say, that it might not be necessary to propose some measure to Parliament with regard to arms in the hands of evil-disposed persons. He was of opinion, however, that when the necessity arose it would be far better to introduce the measure at once, and to ask Parliament to direct its immediate and unceasing attention to the subject, than to give a long notice with respect to it; or, after having brought it forward, to postpone its further consideration for a considerable time. With regard to the measures already taken, he must say that on two occasions, when her Majesty's Ministers had advised her Majesty to issue proclamations regarding meetings of an illegal character, meetings held by night with torches under circumstances of danger and terror, and meetings which were attended by persons having pikes and bludgeons, each time those proclamations were issued the most salutary effects had been produced. He felt most undoubtedly that the responsibility was very great in taking measures to arrest, and if possible to repress, the disposition to disturbance that had been exhibited. The subject had been a frequent matter of consultation between himself and the Attorney-general, and he had likewise frequently brought the question before the Cabinet; and it appeared to him that the course adopted, and the views taken with respect to the general state of the country, were more likely ultimately to produce a return to peace, than if the Government had at once proposed measures of an extraordinary description.

Sir *H. Verney* wished, in reference to the subject which the noble Lord had now brought forward, to ask whether it was his intention in the course of the present session to introduce any measure for the establishment of a more effective rural police? He thought such a measure would be calculated to give great satisfaction to the country.

Mr. *Attwood* wished to know whether he understood the noble Lord right, when he supposed him to say that it was the intention of the Government to introduce further penal enactments. [*No, no.*] He thought the Government had done quite enough in putting in force the present law of the country. With regard to arms, he knew something about them, and he did not believe there had been fifty muskets or fifty pikes bought in England. He did not believe that the people of England had gone mad enough for that, or that they had ever thought of arming themselves. He was convinced they knew too well where their strength lay to take up arms. He was sure there had been a great deal of exaggeration on the subject, and he most earnestly urged upon her Majesty's Ministers and the House not to adopt any measure that would be calculated to excite the people to oppose the laws. If the people were outraged, the time might come when they might assume a far different appearance. These appeals to arms proceeded from the "intense eloquence" of some Irish speakers, and had been used by Tories, Radicals, and Neutrals throughout the country, as all the papers testified.

Lord *John Russell* thought it might be necessary to take some measures for the restriction of that which was an abuse of the rights secured by the Bill of Rights. It was, undoubtedly, true that every person had a right to have arms in his own defence; but the arming of a portion of the population, exhibiting and brandishing those arms to the terror and alarm of her Majesty's subjects, was an abuse of the right, and one which it might be necessary to meet by legislative enactment. The hon. Member said he did not believe there was any arming to any considerable extent. Certainly the information which he (Lord J. Russell) had from the town which the hon. Member represented, and other towns, would lead him to suppose there had been no very considerable quantity of arms made by the regular manufacturers, and the chief part of the sale which had taken place had been for exportation. But there had been weapons of a dangerous nature made by persons who were neither regular gun-makers nor manufacturers of arms. Whilst he wished, on one hand, to guard the House against any exaggerated notion of there being large bodies of men regularly armed, on the other hand he believed there were a considerable number of persons in possession of very dangerous and offensive weapons.

Mr. *Hume* believed, that the agitation which now existed had been caused by a few individuals, and that the bulk of those who had assembled had been mislead. He trusted that it would be found that a great deal of the alarm which existed had been exaggerated. But it was the duty of the noble Lord and his colleagues to consider, whether the masses and the millions of the country had not just ground of complaint, and to endeavour to remove it. That would be a more likely way to prevent these evils than having recourse to any modification of the laws now in existence.

Motion for adjournment till Monday, the 27th instant, was agreed to. Adjourned accordingly.

HOUSE OF LORDS,

Thursday, May 16, 1839.

MINUTES.] Petitions Presented:—By the Earl of RODEN, from one place, for the Repeal of the Catholic Emancipation Act.—By the Earl of ROSEBERRY, and the Marquess of LONDONDERRY, from several places, for a uniform Penny Postage.—By Lord BROUGHAM, from Glasgow, for commuting the Sentence of Transportation for Seven Years, passed on Five Cotton Spinners, in January, 1838.—By the Duke of RUTLAND, from several Boards of Guardians, in the Counties of Derby and Leicester, for some trifling alteration in the New Poor Law Act.—By the Earl of CAWDOR, from one place, for Church Extension in Scotland.—By Lord KENYON, from one place against converting Ecclesiastical Revenues to any but Ecclesiastical purposes.

GLASGOW COTTON SPINNERS.] Lord *Brougham* had a very important petition to present, and he was glad he had the opportunity of doing so in the presence of his noble Friend the First Lord of the Treasury. It was agreed to, at a public meeting held in Glasgow, and was signed by from 6,000 to 7,000 persons, and they prayed for the merciful interference of the House on behalf of the five cotton-spinners who were sentenced to seven years' transportation for a conspiracy in January, 1838. The petitioners stated, that those five men were found guilty by a majority of only one of the jury of the two minor counts of the indictment, namely, assault and threats; that their moral character was unimpeachable, and their conduct while on board the hulks exemplary. The petitioners, therefore, implored their Lordships to take the hardship of the case of these men into their serious and merciful consideration, and he would add one word in support of that prayer. If these men had committed the same offence fifty or sixty miles to the south of Glasgow, viz., in England, they could, by law, have been sentenced only to three months' imprisonment; but, by the mere accident of locality, they were sentenced to seven years' transportation, and, of these seven years, eighteen months had already been passed in the hulks; and, by a blunder to which they were no parties, committed by the persons intrusted with the management of the Crown Law Office in Scotland, they had been arrested, and kept three months in prison before trial, so that they had spent twenty-one months in confinement, or seven times as long as they could have been imprisoned if they had committed the same crime sixty miles to the southward, in Westmoreland or Cumberland. He really did not think it for the credit of the law, that so great a want of uniformity should exist in the measure of punishment to be inflicted, nor for the credit of the mercy of the Government that the equalisation of the punishment had not been effected by their interference. He hoped the cases of these men would be taken into the merciful consideration of her Majesty's Government. He should not, on the present occasion, give any notice for a particular motion on the subject, because he was reluctant to propose any unusual interference on the part of that House; but he submitted the case to the attention of the Government.

DISCIPLINE OF THE CHURCH.] The Bishop of *Exeter* said, that he had several petitions to present on a subject which had excited a great sensation amongst a large portion of the clergy. He alluded to the Church Discipline Bill, which the petitioners prayed their Lordships not to pass; but, at the same time, prayed that some measure might speedily be introduced to provide an efficient mode of correcting delinquent clergymen; and it seemed to them that the suggestions of the committee of 1832 might, for that purpose, be easily embodied in an act. But, with respect to the proposed measure, the petitioners stated that they saw in the bill the extinction of some of the most important parts of the constitution of the Christian Church (as regarded the Church of England), as they considered that it was calculated to promote the decline of episcopacy, and that the subordination of the clergy to the Bishops was almost done away with by the bill. They further expressed the opinion that the clergy would be subjected to endless vexation from malicious persons, who would have the power to drag them from the extremities of the country to London, on groundless charges. In the Archiepiscopal Court of the diocese of York, too, at the present time, justice was administered most satisfactorily; and, upon that ground, one of the petitions he had to present prayed their Lordships not to expose the clergy of that diocese to the vexation of being brought to London for no useful purpose whatever. Such was the feeling of the clergy with respect to this bill, that he felt convinced, before it again came under the consideration of their Lordships, numerous petitions would be presented against it. The right rev. Prelate presented petitions against the Church Discipline Bill, from the clergy of the deanery of Exeter, and of various places in the diocese of Exeter; also petitions from the clergy of the deanery of Ripon, the deanery of Boroughbridge, and several others.

The Bishop of *Gloucester* begged to add his testimony to that of the right rev. Prelate, as to the feeling of the clergy with respect to this bill. He had already received several petitions from the clergy of the dioceses in the north of England, against the bill, which he thought, instead of removing, would only aggravate the existing grievances.

The Bishop of *London* said, that he hoped his right rev. Friends would excuse him if he offered one or two observations upon this subject. He had not been prepared for this discussion, but the language which had been used was so strong, that he could not suffer it to go forth to the public without making a few remarks, which he hoped would prevent the effect that might otherwise be produced by the observations of the right rev. Prelates. As to the tendency of that bill to undermine or extinguish episcopacy, he believed that, upon reconsideration, his right rev. Friends would not persist in that objection, because it could in no manner infringe upon episcopacy, properly considered. It undoubtedly prevented the Bishop's chancellor, or the Bishop himself, from administering penal justice; but it did not withdraw the clergy from the control and superintendence of their bishops. As to the strong feeling which was said to exist amongst the clergy against this bill, it was possible that at present, in some districts, objections might have been found to this bill which at first were not discovered, because it was to be remembered that the Church Discipline Bill had been before Parliament at least twelve months, and the clergy generally had, no doubt, long ago become acquainted with its provisions: but if they had not seen the bill itself, at all events all its defects had been brought before their notice by the strong and able speech of his right reverend Friend (the Bishop of Exeter) on a former occasion. He believed the fact to be, that the parochial clergy did not view this bill in the same light as the right reverend Prelates; and certainly it was not a little remarkable, that if this bill went to the extinction of episcopacy, and the abolition of the superintendence of the bishops, no apprehension of the kind should have been expressed by the clergy, notwithstanding that the powerful speech of his right reverend Friend had been published, and had no doubt been read by all the clergy of the country, until they had been stirred up to apply to Parliament on the subject by the letters which had appeared in different newspapers. He, however, was free to admit, that the right reverend Prelate's objections to this measure were not wholly without foundation; but the measure was to be judged by a balance of convenience and inconvenience; and he considered that the plan proposed by this bill for the correction of delinquent clerks, would be better than that suggested in the recommendations of the Committee of 1832, to which he was a party. At that time he did not see the difficulties of carrying into execution those recommendations, but he now thought that the practical objections to that proposal were quite insuperable; and though certainly there were some to the present measure, still they were less formidable than those which presented themselves to his mind as arising against the former bill. When the bill came regularly before the House, he should be prepared to defend it as effecting a great improvement in the present state of ecclesiastical law.

The Bishop of *Exeter* said, that he would not then enter into any argument on the subject; but he should have felt that he had done injustice to the petitioners if he had forborne from stating their prayers distinctly to the House. He knew not the precise words which he might have used; he certainly had not said that this bill would positively extinguish episcopacy, though he very likely might have said, as he thought, that it had a tendency to produce such a result. He only wished to add, that he was no party to the publication of that speech to which the right rev. Prelate had referred. When the proper time came, he should be prepared to justify his statements in respect to this bill.

Petitions laid on the Table.

ADJOURNMENT.] Viscount Melbourne moved that the House, at its rising, adjourn till Monday, the 27th.

The Duke of *Wellington* suggested, that it might be more convenient if some other course was adopted, instead of moving the adjournment for so long a time; and he submitted to the noble Viscount whether there might not be an understanding that no important business should be brought forward before the day mentioned, so that the House, if necessary, might continue its sittings on account of the judicial business, which would not then be delayed. He thought that such an understanding might be acted upon by all parties in that House. There was another thing which he wished to recommend to the noble Viscount; he had some concerns to attend to in another part of the town on the 27th of May, which, if he mistook not, would be Trinity Monday—[*a laugh*]—and he rather fancied that the noble Viscount also had business to transact in that part of the town on that night. He therefore suggested to him whether it might not be convenient to adjourn to the 28th.

Lord *Hatherton* said, it would be necessary for the House to meet on the 27th, in order that witnesses on the Irish Committee might be sworn.

Viscount *Melbourne* said, that he had no objection to such an arrangement as that suggested by the noble Duke; but as to extending the period of adjournment, he thought that the House of Commons was in that particular state in which such an extension might be inconvenient in case any communication were necessary.

The *Lord Chancellor* said, if the House were not to adjourn till the judicial business was terminated, it would never adjourn at all. Besides, when he was not employed in that House he was in the Court of Chancery, where the business was also very heavy; so that, taking the whole administration of the justice of the country together, it would not suffer at all by the adjournment.

Motion carried, and their Lordships adjourned.

HOUSE OF LORDS,

Monday, May 27, 1839.

MINUTES.] Bills. Read a Third Time: — Purchasers Protection; Seditious Societies Act Amendment.

Petions presented: — By the Marquess of LANSDOWNE, Earls of DURHAM and GREY, Lords BROUGHAM, REDESDALE, and DUNCANNON, from a very great number of places (150 petitions) for a Uniform Penny Postage.—By the Bishop of RIPON from one place, against any further Grant to Maynooth College.—By Lord WHARNCLIFFE, from several places for Church Extension in Scotland.

CANADA — COLONEL PRINCE.] Lord *Brougham* wished to ask the noble Marquess on his left hand, if he had any objection to state whether any steps had been taken to stigmatize a person in the militia of Canada of the name of Prince, who if there was any truth in the reports of his conduct had disgraced the name of a British officer, and degraded that of an English Colonel—he meant that person who had ordered to be shot in cold blood four miserable persons taken prisoners by the Indians, and afterwards released, that they might be reserved for the tender mercies of an English Colonel of Militia, who instantly drew them out one after another, and ordered them to be shot on the spot. That was true, because it had been reported by Colonel Arthur. He vindicated that, by saying that Colonel Prince was in a state of excitement at the time. There was but one state of excitement which could justify his conduct if tried by a jury, and that was, that he was at the time he perpetrated the act, of unsound mind. He butchered these four persons without trial in cold blood. Colonel Arthur stated that, and he asked whether Colonel Prince was still allowed to hold a commission in her Majesty's service.

The Marquess of *Normanby* said, the matter had been inquired into, and on the report made to her Majesty's Government, they had signified their disapprobation of Colonel Prince's conduct. The noble and learned Lord had brought forward all the circumstances of aggravation attached to the case without taking into consideration the circumstances of mitigation.

Lord *Brougham* thought there could be no harm in moving for a return of the evidence given upon the investigation. He had read the sentence; that was anything but satisfactory. He had stated no circumstances of aggravation—these men had been taken prisoners, and quarter was given them by the officer who took them. They were brought in at once, and an hour or two afterwards they were taken out separately, and ordered to be shot by Colonel Prince without a trial, for which Governor Wall was hanged, and Colonel Prince was guilty of murder. That was the fact; he was guilty of murder. Governor Wall ordered a man to be massacred; he flogged him to death without trial by Court-martial, and he was hanged for that. He had no hesitation, as a lawyer, in stating, that Colonel Prince was guilty of murder.

The Marquess of *Normanby*. If the noble and learned Lord moved for the papers he would have no objection to their production; at the same time he would observe, that her Majesty's Government had conveyed their disapprobation of Colonel Prince's conduct even after his explanations had been given.

Lord *Brougham*. It was long after the action—after surrender—after quarter had been asked—in the streets—in the presence of ladies. "Disapprobation" of murder, no doubt there would be, there will be—but there must be something more, there must be punishment and severe punishment, also.

Subject dropped.

HOUSE OF COMMONS,

Monday, May 27, 1839.

ELECTION OF SPEAKER.] The House met for the election of a Speaker in the room of the right hon. J. Abercromby, resigned and called to the House of Peers by the title of Lord Dunfermline.

The Serjeant came, and brought the Mace, and laid it under the Table.

Then Lord John Russell, addressing himself to the clerk, who (standing up, pointed to him, and then sat down) acquainted the House that her Majesty having been informed of the resignation of the right hon. James Abercromby, late Speaker of this House, gives leave to the House to proceed forthwith to the choice of a new Speaker.

Mr. *Handley* said, that on the occasion of rising to propose for the approbation of the House the name of an hon. Member who should fill the Chair, although he was precluded by ordinary usage from dwelling upon the loss which the House had sustained, yet thus much he was sure he should be allowed to remark, that the right hon. Gentleman who had lately presided over their deliberations had quitted the Chair too soon for the public advantage, as might be known by reference to every one's experience, as well as by the manner in which he had carried with him the best wishes of every Member for the restoration and reinstatement of that health which he feared had suffered but too much by the attention which the right hon. Gentleman had paid to the duties of his station in the House. If this were a new Parliament, he might perhaps have been pardoned if he had felt it his duty to dwell at some length on the functions of a Speaker of the House of Commons, but as he was addressing hon. Members who had all of them ample experience and knowledge of a practical kind as to what those functions really were, he should not advert further to the subject, than to declare his full confidence that if the hon. Gentleman whom he was now called upon to propose to the House should meet, as he (Mr. Handley) hoped he would, with their approbation, he would discharge with credit and efficiency those duties on the due discharge of which by the person who filled the Chair depended not only his own character, but in a great degree the character and efficiency of the House itself. But he could not pass over this part of the subject without alluding to what he had heard fall from the right hon. Member for Tamworth in the House the other night in a speech respecting the Ministerial changes. In alluding to the difficulties which he should have had to contend with as a Minister in the House of Commons, the right hon. Baronet said, "On the very first day on which I took my seat as Prime Minister of this country, and as a Member of the House of Commons, I should have had to risk, perhaps, the fate of the Government, or been driven to a dissolution on the choice of Speaker." Now he (Mr. Handley) humbly protested against that Chair being considered as an appendage to the Ministerial patronage. Yes, he protested against any Minister of the Crown, be he who he might, interfering with the free election of a Member to fill that Chair. The right hon. Baronet, in supporting the motion for appointing the present Lord Canterbury, in 1835, had described the duties of a Minister with respect to the question so much better than he (Mr. Handley) could have done, that he would quote the right hon. Baronet's words. He said, "The noble Lord ought to know it was a trust conferred for the public good, and ought to be exercised with discretion; that it did not become him to insist on the exercise of the barren and abstract right, but to consider the great point, whether it could be exercised with justice and advantage to the public." Under this view of the subject, how could the right hon. Gentleman reconcile with this the course of endeavouring to control the election to an office which he himself said was a trust conferred for the public good, and ought to be exercised with discretion? The election ought not to be made a matter of party; neither ought it to be looked upon as a reward of long official services, be they ever so beneficial to the country, because the habits of partisanship which were imparted by official life were, in his opinion, incompatible with the maintenance of strict impartiality in the Chair. To a great number of Members, especially to those Members who were unconnected with office, it never could be matter of indifference who might be sitting in that Chair, and to whom they might be bound to render implicit obedience in regard to the affairs of that House, and it was from among Members of that class that the hon. Gentleman was chosen whom it was his duty to propose to the House as a fit person to preside over it. When he named the hon. Member for North Hampshire, he thought he should be thereby justified in having anticipated that they would have been spared the pain of a contest, acceptable as his hon. Friend's name was to the great majority of those hon. Members, even among his hon. Friend's political opponents, who were wholly unconnected with office. Certainly he had hoped that the House on this occasion might come to an unanimous vote in favour of a gentleman respecting whom the feelings of both parties of the House were so much in unanimity. On this subject he might hope to be taken for impartial, because in 1835, on the question of the re-election of the present Lord Canterbury, he had felt it his duty to separate himself from those with whom he was in the habit of acting, and vote for Lord Canterbury. In the Speaker of the House of Commons there ought to be found the spirit and courage to defend and preserve from every attack which might be made upon them the privileges of the House. These qualities none could deny his hon. Friend Mr. Shaw Lefevre; and if they looked on habits of business and unwearied diligence as necessary for the due despatch of the business of the House, as well as fortitude to repress any of those irregularities which sometimes unfortunately arose, but which tended so much to impair the character of the House—if, he said, he looked for these qualities in their chairman, then he must assert his hon. Friend possessed them in a remarkable degree. But this was not all. The progress of science and the rapid accumulation of wealth in this country had caused a vast increase in the amount and in the importance of the private business which came before the House, and consequently the duty of a Speaker was in this part of it, on the one hand, a matter of great moment to public interests, and on the other hand, of the utmost importance to the fortunes of private individuals. Now, with reference to this part of the Speaker's duties he could say, that no man was more fully acquainted with these matters than his hon. Friend Mr. Shaw Lefevre. It might be in the recollection of the House that two years ago, in consequence of the state of private business at that time, it was thought fit to appoint a committee of forty-two Members to devise a remedy, if possible, for the confusion into which it had fallen, in the chair of which committee his hon. Friend was placed; and he would appeal with confidence to every hon. Member who served on that committee, whether his hon. Friend did not evince a talent, zeal, and sound judgment, to which was to be attributed, in a very great degree, the successful termination of the labours of that committee. But if there was one description of qualities which was indispensable in a Speaker of the House, it was that urbanity of manner, and that frank and open bearing, which were so useful in the repression of those squabbles that sometimes arose in the House; and these, in addition to those talents of mind which were known to the large circle of his acquaintance, his hon. Friend certainly possessed in an eminent degree. He felt that he ought not to indulge further in the praise of his hon. Friend; but this he could state, that to him might be applied that enviable distinction, that he never made an enemy, nor ever lost a friend. He (Mr. Handley) owed an apology to the House, considering the humble situation he held in it, for having consented to propose the hon. Gentleman, with whom he had long lived on terms of friendship; but in assenting to come forward on this occasion, he felt that he was about to propose a Gentleman, who would be acceptable to a large class, and, he trusted, to the majority of the House; and whose good qualities were so well known, and so well appreciated, that his cause would not suffer from the defects of his advocate. He moved that Mr. Shaw Lefevre do take the Chair of the House.

Sir *S. Lushington,* in seconding the motion of the hon. Gentleman, prayed that the House would, for a brief space, give him their attention; for he could assure them, that he had not been anxious voluntarily to have come forward to claim their attention; but, at the same time, he must say, he trusted, that whenever his services were called for by a Friend, with whom his political sentiments concurred, he should never be loth to exert himself. His hon. Friend had adverted to the excellent qualities of their late Speaker; and he, as one of the late Speaker's oldest friends, might beg leave to express his full concurrence in what his hon. Friend had said of the right hon. Gentleman's retirement, as well as express his own regret at that retirement, and at the cause of it. But he could not forget how honourably that House had distinguished the services of the right hon. Gentleman who had recently occupied the Speaker's Chair, and more especially, he might add, the high encomiums which the right hon. Gentleman, the Member for Tamworth, so much to his own honour, and to the honour of the late Speaker, had pronounced on his conduct and impartiality; and it was not an unimportant topic on the present occasion, because it showed to them that which, he was thankful to say, had frequently occurred before, that whatever might be the political bias of the individual, before he was elevated to the high rank of Speaker of the House of Commons, when once placed in that Chair, he had had the courage to divest himself of all party bias. He conceived that it would be a great want of good taste in him, if he, who knew so well that there were persons of superior talent and eloquence to himself in that House, more able to enter into the subject, were to describe the various qualifications necessary to enable a member to fill the Chair—if he, recollecting the speeches which had been made on this question, and, knowing how familiar to the House the whole subject was, were to enter into any enumeration of those qualifications. It would be an useless waste of the time of the House. But it did appear to him, that they were now standing in a peculiar crisis, and when a greater union of the qualities requisite to enable any Gentleman to fill the Chair with honour to himself, with credit to the House, and advantage to the public, was wanted, than in any preceding Speaker. He did not fear that he (the Speaker) by industry, by labour, and excessive pains, would acquire sufficient knowledge of the rules and precedents necessary to enable him to fill the office; but it would require more than that on the present occasion. They required an individual who would uphold the privileges of the House if they should be attacked; and he, for one, could not refrain from expressing his apprehension that in some quarters there did prevail a disposition to attack those privileges, which he highly valued, because he maintained that those privileges were necessary to the authority of that House; and he was happy to think, that with respect to some of those privileges both sides of the House were united to preserve them intact and inviolate. That office would require the utmost firmness, decision, and forbearance; and they would allow him to say, that whoever aspired to that honour must lay to his account the certainty of detraction. He never knew the instance of a Speaker who, at some periods of his career, had not had his conduct temporarily traduced. At one time, they heard that he was inclined too much to those of opposite political opinions to his own, and at another time they heard that he was inclined too much to those who held the opinions he himself professed. He who won the Chair must seek his reward in time; he must expect occasionally to be subjected to obloquy, and he must expect that at the termination of his services he would have the just and impartial consideration of that House, which had never been wanting. When he thought of the qualities which his hon. Friend, the Member for North Hampshire possessed, and which he thought entitled him to the just support of the House, he felt how impossible it was in his presence to attempt anything in the nature of praise; but this he might say, his hon. Friend's station in life, his conduct, his principles, were so familiarly known to the House and known to the country, that he believed his hon. Friend had obtained the regard of a considerable majority of that House. He doubted not but that his hon. Friend would bring to bear, with his experience, many of those qualifications which were so indispensably requisite—of quick but clear apprehension, of ready decision, and, when once his mind was made up, an undaunted resolution to support that opinion. Before he sat down, for it was not his intention to trouble the House with many further remarks, they would allow him to say, that he did believe, that at this hour it was imperatively necessary, in the present state of public opinion, that they should choose t Speaker whose opinions were coinciden t and in unison with the feelings of tha t House, and, as he believed, with the feelings of the people of England. He believed that the eyes of the people of England were now upon them. He believed that they were now waiting in anxious expectation to see the result of their determination; and he held, further, he believed they were looking with that anxiety because they believed that the choice of a Speaker would greatly show the feeling of the House, and the people of England would look to see whether they were to advance or to stand still. He professed and avowed it, and it was but consistent with honour and candour to avow it, that he did support Mr. Charles Shaw Lefevre because his opinions were popular, because he had been an advocate of reform, and because he hoped and believed that the election of Mr. Charles Shaw Lefevre would tend to satisfy the people of this country that the House intended to proceed till they realized the just expectations of the country. They would allow him to say that he considered that the just expectations of the people ought not to be subjected to unnecessary invasion. It was with these feelings that he hoped a considerable majority of the House would support the motion which he had the honour to second.

Mr. *Williams Wynn* said, the hon. and learned Gentleman who had seconded the nomination, and the hon. Member who had proposed the Speaker, had differed very considerably in their sentiments. One had protested against this vote being a political one, to its being necessary to an Administration, or to any Minister, in order to prove the concurrence of the House; the seconder, on the other hand, had stated distinctly to the House that he considered this was a political vote, which ought to be governed by their political feelings upon the question between those who were for carrying further the measures of reform which he had adopted, and those who preferred supporting other systems. He agreed most entirely with what both said of the importance of the election; wherein they agreed together, he agreed with them; and he believed that the present was a juncture in which it was of the greatest consequence that thay should make a good choice. He believed many Gentlemen might be found fit to discharge the office of Speaker. It was not necessary, it would be a most painful and improper course to take, to depreciate the hon. Member who had been proposed; on the contrary, he believed that he deserved all the praise that had been bestowed upon him of being a useful able member. They had constantly felt that the credit of the House was to be maintained, not by depreciating those who had been suggested as candidates for the high office of Speaker; but they might rather congratulate the House on possessing those Members. "I will not allude further," said the right hon. Gentleman, "to the very different course which has been adopted with respect to my right hon. Friend whom it is my intention to propose. I will only say, the accounts which I have seen of what has been said on that subject make me feel deeply ashamed that any body of men, that any meeting of men, could be found in this country, who could listen to the wanton abuse thrown on him. I view those statements with the deepest disgust and contempt for him who could so far forget the character of a gentleman. To this I make no further allusion, certain as I feel that not only those around me, but all those who sit opposite to me—that even those who more ordinarily concur with the Gentleman (Mr. O'Connell) who is reported to have given utterance to those sentiments, must concur in the distaste and disgust which I have expressed at such conduct." He had already stated that he agreed in what had been said of the importance of the duty they were met to perform. The office of Speaker was at all times an arduous one; it had been rendered more arduous by the degree of opposition which in the course of the last Parliament had been manifested. In all former times Members had conceived, that their own honour was bound up in preserving the honour of the House, and that it could not be maintained so efficiently as by maintaining the authority of him whom they had caused to preside over their deliberations. Whatever the choice of the House might be in a successor to the late Speaker, he trusted they would feel that the Speaker who was chosen, was chosen not by a majority, but was the choice of the House; that they were equally bound up in maintaining his authority, in maintaining his due authority, and giving force to his decisions. It was very unnecessary for him to state, that the Speaker had no authority over the House, except from the confidence which the House placed in him, from their disposition and determination to give effect to his statements of the rules which were to govern their deliberations. He felt, therefore, that it was material that the Speaker who was proposed, should possess firmness, and decision, and judgment. There were many, many instances, in which the Speaker, from the office which he held, might interfere to prevent the commencement of disorder, where political opponents could not, from the fear of being thought captious; where a political opponent could not call on the Speaker lest it should be thought that he was acting captiously, and lest he should expose himself to be questioned, why on a similar previous occasion, he had not then pursued a similar line, and interfered then. The Speaker, constantly occupying the situation which he did, was justified, and called on in the exercise of his duty, to interfere in the very commencement of disorder, and when it might be checked with credit. It was essential, therefore, that he should possess self-possession, vigour, and resolution, and, at the same time, a degree of courtesy to temper all these qualities. He trusted he should not be thought to detract at all from the qualities which he believed were justly ascribed to the hon. Gentleman already proposed, when he stated, that believing his right hon. Friend near him, Mr. Goulburn, the Member for Cambridge University to possess those qualities, and to be also qualified by a longer experience of the practice of that House, and a greater degree of experience in carrying on its business, he was induced to give him the preference, and to propose him to succeed to the Chair. The hon. Gentleman who had opened the debate had objected to the choice of any Member who had held office under the Crown, and might be considered as a candidate for the Speakership. He could not conceive how any hon. Member could have lost out of the House his qualification of ability from filling such an appointment to unfit him for the office of Speaker. His right hon. Friend had shown himself to be fit to fill a high, if not the highest position; and was it to be said, that he was unfit to fill the office of Speaker? What had been the practice in this respect? Sergeant Mitford had been elected to be Speaker from the office of Attorney-General. Mr. Abbott was elected to the office of Speaker from the office of Chief Secretary for Ireland. Mr. Manners Sutton had been elected Speaker from the office of Judge-Advocate. Mr. Abercromby had been elected Speaker from being a member of his Majesty's Cabinet. With these precedents befor the House, if complaints had arisen from such a course, it would have been discovered before this time and commented upon, instead of their having to do justice to the fairness and impartiality of those who had successively held the Chair. He, for one, could not subscribe to that as a sound principle; it would be as unjust to a Member of that House as it would be to the country at large. He could not avoid that opportunity of adding his tribute to the praise which had been so justly paid both by the Mover and Seconder of the hon. Gentleman opposite, to the merits of the Speaker who had resigned. Long and intimate acquaintance, during a very extended course of years, indeed from the earliest period he could mention, had enabled him to know his right hon. Friend's qualities and merits, and it gave him the greatest satisfaction to see, that while in the Chair he had showed a fairness and impartiality which he had before felt confident when he commenced he would exhibit, and which had obtained him the confidence and uniform support of all sides. That a similar result would follow this election, whoever might be the choice of the House, he had every confidence. He would no longer detain the House, but would conclude by proposing, "that the right hon. Henry Goulburn do take the Chair."

Mr. *Wilson Patten* rose to second the motion. In the present instance, he felt very considerably relieved from the responsibility of his position, both by the character of the right hon. Gentleman, whose nomination he had the honour to second, and also by the character of the right hon. Gentleman who had just spoken. If his right hon. Friend (Mr. Goulburn) were less known than he was in that House and by the country generally, he (Mr. W. Patten) should think the very circumstance of his having been selected to fill the office of Speaker by the right hon. Gentleman, the Member for Montgomeryshire, would be a sufficient guarantee that he was fit for the office. The right hon. Gentleman had paid such constant attention to these particular points, had been so attentive to the privileges of that House, and had also been so high an authority on all matters connected with points of order in that House, that he should have the very highest confidence in seconding his nomination. The character of his right hon. Friend was, of itself, a sufficient recommendation. He had listened with very great pleasure to the encomiums passed on his hon. Friend, the Member for North Hampshire, and, if necessary, he would himself bear testimony that his hon. Friend possessed, in an eminent degree, many of the qualifications for the office to which he aspired, but he trusted his hon. Friend would not be offended if he ventured to claim for his right hon. Friend, Mr. Goulburn, not only the same qualifications both in his private and public character, but if he ventured to point out one or two qualities in which his right hon. Friend, the Member for Cambridge University excelled. In his opinion, the Gentleman called to the Chair of the House should enjoy those qualifications which insure the respect and deference of its Members; that he believed both the hon. Members did; but in addition to this it was of importance that the Gentleman called to the Chair should also enjoy that character in the country which would be a guarantee to the public that the duties of his high station in that House would be well performed. It was no fault of his hon. Friend that he did not possess the advantage derivable from this public character which was enjoyed by his right hon. Friend. His right hon. Friend had filled several important offices under the Crown, some of them requiring those qualifications which would particularly fit him for the efficient discharge of the duties which the occupation of the Chair of that House would impose. He had filled important offices, some of them of an unpopular character, which required decision and firmness in the performance of their duties, and he had fully profited by the opportunities which they presented, of showing on all occasions, that firmness of purpose and decision of character which the House required in the Speaker. These, he maintained, were advantages which the hon. Member for North Hampshire, though without any fault of his, did not possess. Another qualification, and which tended to increase his confidence in the right hon. Member was, that he represented a constituency not surpassed by any in the kingdom for learning and intelligence. Notwithstanding the significant expressions from certain quarters on the other side, he would contend, that the representatives of our universities did largely carry with them the respect and confidence of the public. It had been objected by the hon. Member who had proposed Mr. S. Lefevre, that the previous possession of public offices should not be made a ground of qualification for the Chair. He should have supposed that the hon. Member would have better remembered the circumstances connected with the right hon. Gentleman who so lately filled the Chair. The hon. Member would bear in mind the encomiums which the late Speaker had bestowed on the Opposition side of the House for the support which he had received from it on all occasions in the discharge of his duties; and he should not be doing justice to the other side, if he did not express his firm belief that his right hon. Friend (Mr. Goulburn), if elected, would not receive a less steady support from it. Under these circumstances, and because he believed his right hon. Friend possessed the qualifications requisite for the discharge of the duties of the Chair of that House, and that by him they would be ably and faithfully performed, that he now seconded the motion that the right hon. Henry Goulburn be called to the Chair.

Mr. *W. Duncombe*, said, that it was his intention to give his cordial support to the motion which had just been seconded by the hon. Member who last addressed the House. He did not think that the merits of his right hon. Friend had been exaggerated. On the contrary he thought they had been under-rated. He had risen for the purpose of adverting to one point noticed by the hon. Member for Lincolnshire, and of concurring with him in the expression of his regret that the election of the Speaker of that House should be made a party question, and that it should have been made so, not only on the present, but on a former occasion, when the late Speaker was from party motives proposed in opposition to Lord Canterbury. He regretted also that on this occasion there should have been more of party than there need have been. He had no wish to say one word in disparagement of the merits of the hon. Member for North Hants. On the contrary, he agreed in all the encomiums that had been passed on him; but he did think that in putting him forward the Government had unfairly passed over the superior claims of another hon. Member at the same side of the House—he alluded to the hon. Member for Rochester (Mr. Bernal), who for many years had filled the office of chairman of the Committee of Ways and Means—an office inferior in importance only to the Speakership—with equal credit to himself and advantage to the House. He had been appointed to that office by the present Government, and had been continued in it when Sir R. Peel came into office, and he (Mr. Duncombe) did think, from the manner in which he had discharged its duties, and from his perfect knowledge of the rules and orders of the House as they related to public or private business, justice should have pointed him out as the most fit person to be called to the Chair. Had that course been taken, it would have divested the question of all party character, and would have enabled those Members at that (the Opposition) side to have voted for that hon. Member without any inconsistency. It had been said that the reason why the hon. Member for Rochester had been passed over was, that he had voted against Ministers on the Jamaica question; whether this was the case or not he could not say, but if the fact were so, he thought it gave that hon. Member a still stronger claim to the Speakership, because, in addition to the qualifications to which he had alluded, it showed that he possessed one of the highest and most important requisites for that office—independence. He should give his vote on this occasion to his right hon. Friend (Mr. Goulburn), for while on the one hand he deprecated this being made a party question, he could not on the other relieve the Ministerial side from the consequences of having made it so. He believed that if hon. Members would divest themselves of party feeling on this occasion, a very large majority of the House would support the nomination of his right hon. Friend. As to the allusion made to certain observations attributed to the hon. and learned Member for Dublin, he would only say at present that he could not believe that the report containing those observations was correct.

Mr. *Shaw Lefevre* said, the House has received with so much favour the proposition of my Friends near me, that I feel relieved from much of that embarrassment which every individual must feel who addresses the House on a matter relating personally to himself. But, notwithstanding this encouragement and the eulogies which have been pronounced upon me, by my hon. Friends (for whose kindness on this occasion I never can feel sufficiently grateful), it is impossible that I can conceal from myself that any qualifications which I may be thought to possess for the office of Speaker, cannot in any degree bear a comparison with those of that right hon. Gentleman whose recent retirement from the Chair has now become a subject of universal regret. To me, who had the honour of proposing that right hon. Gentleman at the commencement of the present Parliament, it was most gratifying to hear Gentlemen on both sides of the House bear testimony to the ability and impartiality with which he presided over our deliberations. And having myself witnessed the admirable manner in which he discharged the less conspicuous, though not less important duties of his office, having observed his kindness, courtesy and promptitude in giving advice and assistance to every Member who stood in need of either, and above all, having watched the beneficial influence which he exercised on the conduct of the private business of this House, I feel the difficulty in which the House is now placed in deciding by this vote on the person who shall succeed him; and I feel also the increased resposibility which must be thrown on any individual who may be honoured by your choice. The responsibility which in ordinary times, and under ordinary circumstances, is inseperable from the laborious duties of the Chair, is of a sufficiently grave and anxious character. But in these times I regret to say, and in the present excited state of political feeling, that responsibility is immesurably increased. Entertaining, these opinions, it may not unreasonably be thought that I am presumptious in allowing myself to be placed in nomination as a candidate on the present occasion. I have not, I am aware, the advantages of my right hon. Friend opposite (Mr. Goulburn), if he will allow me to call him so—I have held no high political situation. I have not had the advantage of long experience in official life. My course has been that of an independent country gentleman—anxious only to make myself as useful as my position in Parliament would enable me to be. It was with that object that I have taken a small and humble share in those improvements to which my hon. Friend (Mr. Handley) has referred with regard to the conduct of the private business; and if the experiment which has been made—I allude to the Committee on Petitions especially—has been successful, I can claim but a small portion of that credit which attaches to it in common with the hon. Members by whom I had the honour of being assisted in this work of reform. We could not be ignorant of the advantage of the interests involved in this branch of legislation—we could not be ignorant of the great dissatisfaction which prevailed out of doors as to the conduct of the private business—and I believe we all felt most anxious to rescue the House from imputations which I am afraid were but too justly cast upon it. I shall only add, that although I am perfecly conscious that there are many Members who possess special qualifications for the office of Speaker, far superior to mine, yet I yield to no one in a desire to maintain the honour and dignity of this House, in a strong sense of the importance of protecting its privileges from being in the slightest degree trenched upon, and in a firm determination to exert all the energies I possess in the discharge of any duty which the House may impose upon me. With these observations I cheerfully submit myself to the pleasure of the House.

Mr. *Goulburn*: I am not ashamed to say that I rise to address the House with a few observations with which I shall trouble them under feelings of considerable embarrassment, because on the one hand, I cannot but entertain a fear lest I should in any manner appear insensible to the honour which has been proposed to me; and on the other, lest I should be thought capable of arrogating as my due the lavish praise which has been expressed with regard to me through the kindness of my friends. I certainly have had the advantage of long Parliamentary experience. I have had the honour of witnessing the elevation to that Chair, of Mr. Abbott, of Mr. Manners Sutton, and of the right hon. Gentleman whose secession we all lamented; and, I am well aware, from the observation I have had the opportunity of making, how important the duties are that attach to the Speaker of the House of Commons. I know, in common with my hon. Friend opposite, that at the present moment—from the greater complication of the national interests—from the increased pressure of both public and private business—from the greater attention which the people are in the habit of paying to the proceedings of this House—and above all, from the nicely balanced state of political opinions and interests—the difficulties which ordinarily attached to this office are greatly increased. And on the other hand, I cannot but feel how very deficient I am in those qualifications which would enable any Gentleman to discharge those duties in such a manner as would give satisfaction to this House. I can advance no pretensions beyond what are possessed, I might almost say, by every hon. Member of this House who deeply attached to the constitution of the country, feels an anxious desire to uphold the privileges of Parliament, and to maintain those rules and forms in our proceedings which are so essential to the support and confidence of the public at large. Under these circumstances I have little to offer on my own behalf to the House. I cannot but feel deeply grateful to the right hon. Gentleman the Member for Montgomeryshire, who has proposed me, and the hon. Member for Lancashire, who has seconded the proposal for the too partial manner in which they have been pleased to speak of my past conduct and my present qualifications. Whatever may be the result of this evening's discussion, the recollection of their partial friendship will be to me a source of unfeigned gratification; and, if in the course of a now long public life I have rendered any services to my country, and if, as my right hon. Friend has observed, I have elsewhere been subjected to obloquy, the knowledge that I possess their regard and esteem will be more than a compensation for any services I have rendered, and will be an adequate consolation for any vituperative expressions that may have been launched upon me elsewhere. I have only further to submit myself entirely to the judgment of the House. If it shall be their pleasure to place me in that Chair, I shall be bound to exercise whatever of ability or experience I possess to discharge satisfactorily the duty the House shall impose upon me; but if, on the other hand, the House should exercise a sounder discretion, and should overbear the partiality of my Friends in consideration of the acknowledged merits of my hon. Friend opposite, I can as sincerely assure the House that I shall, with greater satisfaction to myself, and no less zeal for the dignity of the House, co-operate with every Member of the House to support the authority of the Chair, and maintain that regularity and order in our proceedings which I believe to be essential to our own character, and which can alone command for us the confidence of the country.

The House divided on the motion, that Mr. Shaw Lefevre take the Chair. Ayes 317; Noes 299: Majority 18.

List of the AYES.

Abercromby, hn. G.R.
Acheson, Viscount
Adam, Admiral
Aglionby, H. A.
Aglionby, Major
Ainsworth, P.
Alston, R.
Andover, Viscount
Anson, hon. Colonel
Anson, Sir G.
Archbold, R.
Attwood, T.
Bainbridge, E. T.
Baines, E.
Bannerman, A.
Baring, F. T.
Barnard, E. G.
Barron, H. W.
Barry, G. S.
Beamish, F. B.
Bellew, R. M.
Benett, J.
Berkeley, hon. H.
Berkeley, hon. G.
Berkeley, hon. C.
Bernal, R.
Bewes, T.
Blackett, C.
Blake, M. J.
Blake, W. J.
Blewitt, R. J.
Blunt, Sir C.
Bowes, J.
Brabazon, Sir W.
Bridgeman, H.
Briscoe, J. I.
Brocklehurst, J.
Brodie, W. B.
Brotherton, J.
Browne, R. D.
Bryan, G.
Buller, C.
Buller, E.
Bulwer, Sir L.
Busfield, W.
Butler, hon. Colonel
Byng, G.
Byng, right hon. G. S.
Callaghan, D.
Campbell, Sir J.
Cave, R. O.
Cavendish, hon. C.
Cavendish, hn. G. H.
Cayley, E. S.
Chalmers, P.
Chapman, Sir M. L. C.
Chester, H.
Chetwynd, Major
Chichester, J. P. B.
Childers, J. W.
Clay, W.
Clayton, Sir W. R.
Clements, Viscount
Clive, E. B.
Codrington, Admiral
Collier, J.
Collins, W.
Conyngham, Lord A.
Craig, W. G.
Crawford, W.
Crawley, S.
Crompton, Sir S.
Currie, R.
Curry, W.
Dalmeny, Lord
Dashwood, G. H.
Davies, Colonel
Denison, W. J.
Dennistoun, J.
D'Eyncourt, rt. hn. C.
Divett, E.
Donkin, Sir R. S.
Duff, J.
Duke, Sir J.
Duncombe, T.
Dundas, C. W. D.
Dundas, F.
Dundas, hon. J. C.
Dundas, Sir R.
Easthope, J.
Edwards, Sir J.
Elliot, hon. J. E.
Ellice, Captain A.
Ellice, right hon. E.
Ellice, E.
Ellis, W.
Earle, W.
Etwall, R.
Euston, Earl of
Evans, Sir De L.
Evans, G.
Evans, W.
Fenton, J.
Ferguson, R.
Ferguson, Sir R.
Ferguson, Sir R. A.
Finch, F.
Fitzalan, Lord
Fitzgibbon, hon. Col.
Fitzpatrick, J. W.
Fitzroy, Lord C.
Fleetwood, Sir P. H.
Fort, J.
French, F.
Gillon, W. D.
Gordon, R.
Goring, H. D.
Goulburn, rt. hon. H.
Grattan, J.
Grattan, H.
Greenaway, C.
Grey, Sir C.

Grey, rt. hon. Sir G.
Grosvenor, Lord R.
Grote, G.
Guest, Sir J.
Hall, Sir B.
Hallyburton, lord D.G.
Handley, H.
Harland, W. C.
Harvey, D. W.
Hastie, A.
Hawes, B.
Hawkins, J. H.
Hayter, W. G.
Heathcoat, J.
Heathcote, G. J.
Hector, C. J.
Heneage, E.
Heron, Sir R.
Hill, lord A. M. C.
Hindley, C.
Hobhouse, rt. hn. Sir J.
Hobhouse, T. B.
Hodges, T. L.
Holland, R.
Horsman, E.
Hoskins, K.
Howard, F. J.
Howard, P. H.
Howick, Viscount
Hume, J.
Humphrey, J.
Hurst, R. H.
Hutt, W.
Hutton, R.
James, W.
Jervis, J.
Jervis, S.
Johnson, General
Kinnaird, hon. A. F.
Labouchere, rt. hn. H.
Lambton, H.
Langdale, hon. C.
Langton, W. G.
Leader, J. T.
Lemon, Sir C.
Lennox, Lord G.
Lennox, Lord A.
Leveson, Lord
Lister, E. C.
Loch, J.
Lushington, C.
Lushington, rt. hn. S.
Lynch, A. H.
Macleod, R.
Macnamara, Major
M'Taggart, J.
Marshall, W.
Marsland, H.
Martin, J.
Martin, T. B.
Maule, hon. F.
Melgund, Viscount
Midmay, P. St. John
Milton, Viscount
Molesworth, Sir W.
Moreton, hon. A. H.
Morpeth, Viscount
Morris, D.
Murray, A.
Muskett, G. A.
Nagle, Sir R.
Norreys, Sir D. J.
O'Brien, C.
O'Brien, W. S.
O'Callaghan, hon. C.
O'Connell, D.
O'Connell, J.
O'Connell, M. J.
O'Connell, M.
O'Connell, M.
O'Connor, Don
O'Ferrall, R. M.
Ord, W.
Paget, Lord A.
Paget, F.
Palmer, C. F.
Palmerston, Viscount
Parker, J.
Parnell, rt. hn. Sir H.
Parrott, J.
Pattison, J.
Pease, J.
Pechell, Captain
Pendarves, E. W. W.
Phillipps, Sir R.
Phillips, M.
Phillips, G. R.
Phillpotts J.
Pigot, D. R.
Pinney, W.
Ponsonby, C. F. C.
Ponsonby, hon. J.
Power, J.
Power, J.
Price, Sir R.
Protheroe, E.
Pryme, G.
Pryse, P.
Ramsbottom, J.
Redington, T. N.
Rice, E. R.
Rich, H.
Rippon, C.
Roche, E. B.
Roche, W.
Roche, Sir D.
Rolfe, Sir R. M.
Rumbold, C. E.
Rundle, J.
Russell, Lord J.
Russell, Lord
Russell, Lord C.
Rutherford, rt. hon. A.
Salwey, Colonel
Sanford, E. A.
Scholefield, J.
Scrope, G. P.
Seale, Sir J. H.
Seymour, Lord
Sharpe, General
Sheil, R. L.
Shelburne, Earl of
Slaney, R. A.
Smith, J. A.
Smith, B.
Smith, G. R.
Smith, R. V.
Somers, J. P.
Somerville, Sir W. M.
Speirs, A.
Spencer, hon. F.
Standish, C.
Stanley, M.
Stanley, W. O.
Stansfield, W. R. C.
Staunton, Sir G. T.
Stewart, J.
Steuart, Lord J.
Stuart, V.
Stock, Dr.
Strangways, hon. J.
Strickland, Sir G.
Sturt, E.
Style, Sir C.
Surrey, Earl of
Talbot, C. R. M.
Talfourd, Mr. Sergeant
Tancred, H. W.
Thomson, rt hn. C. P.
Thorneley, T.
Townley, R. G.
Troubridge, Sir T.
Turner, E.
Turner, W.
Verney, Sir H.
Vigors, N. A.
Villiers, hon. C. P.
Vivian, Major C.
Vivian, J. H.
Vivian, rt. hn. Sir R. H.
Wakley, T.
Walker, R.
Wallace, R.
Warburton, H.
Ward, H. G.
Westenra, hon. H. R.
Westenra, hon. J. C.
White, A.
White, H.
White, L.
White, S.
Wilbraham, G.
Wilde, Sergeant
Williams, W.
Williams, W. A.
Wilshere, W.
Winnington, T. E.
Winnington, H. J.
Wood, C.
Wood, Sir M.
Wood, G. W.
Worsley, Lord
Wrightson, W. B.
Wyse, T.
Yates, J. A.

TELLERS.

Stanley, E. J.
Steuart, R.

List of the Noes.

Acland, Sir T. D.
Acland, T. D.
A'Court, Captain
Adare, Viscount
Alford, Viscount
Alsagar, Captain
Arbuthnot, hon. H.
Archdall, M.
Ashley, Lord
Ashley, hon. H.
Attwood, W.
Attwood, M.
Bagge, W.
Bagot, hon. W.
Bailey, J.
Bailey, J. jun.
Baillie, Colonel
Baker, E.
Baring, hon. F.
Baring, H. B.
Baring, hon. W.
Barneby, J.
Barrington, Visct.
Bateson, Sir R.
Bell, M.
Bentinck, Lord G.
Bethell, R.
Blackburne, I.
Blackstone, W. S.
Blair, J.
Blakemore, R.
Blandford, Marq. of
Blennerhassett, A.
Boldero, H. G.
Bolling, W.
Bradshaw, J.
Bramston, T. W.
Broadley, H.
Broadwood, H.
Brownrigg, S.
Bruce, Lord E.
Bruges, W. H. L.
Buck, L. W.
Buller, Sir J. Y.
Burdett, Sir F.
Burr, H.
Burrell, Sir C.
Burroughes, H. N.
Calcraft, J. H.
Canning, rt. hon. Sir S.
Cantilupe, Viscount
Cartwright, W. R.
Castlereagh, Lord
Chapman, A.
Christopher, R. A.
Chute, W. L. W.
Clerk, Sir G.
Clive, hon. R. H.
Codrington, C. W.
Cole, hon. A. H.
Cole, Vis.
Colquhoun, J. C.
Compton, H. C.
Conolly, E.
Cooper, E. J.
Coote, Sir C. H.

Copeland, Alderman
Corry, hon. H.
Courtenay, P.
Cresswell, C.
Cripps, J.
Dalrymple, Sir A.
Damer, hon. D.
Darby, G.
Darlington, Earl of
Devonport, J.
De Horsey, S. H.
Dick, Q.
D'Israeli, B.
Dottin, A. R.
Douglas, Sir C. E.
Dowdeswell, W.
Duffield, T.
Dugdale, W. S.
Dunbar, G.
Duncombe, hon. W.
Duncombe, hon. A.
Dungannon, Lord Vis.
Du Pre, G.
East, J. B.
Eastnor, Lord Vis.
Eaton, R. J.
Egerton, W. T.
Egerton, Sir P.
Egerton, Lord F.
Eliot, Lord
Ellis, J.
Estcourt, T.
Estcourt, T.
Farnham, E. B.
Farrand, R.
Fielden, W.
Fector, J. M.
Fellowes, E.
Filmer, Sir E.
Fitzroy, hon. H.
Fleming, J.
Foley, E. T.
Follett, Sir W.
Forester, hon. G.
Fox, G. L.
Freemantle, Sir T.
Freshfield, J. W.
Gaskell, J. M.
Gladstone, W. E.
Glyne, Sir S. R.
Goddard, A.
Godson, R.
Gordon, hon. Captain
Gore, O. J. R.
Gore, O. W.
Graham, rt. hon. Sir J.
Grant, F. W.
Greene, T.
Grimsditch, T.
Grimston, Viscount
Grimston, hon. E. H.
Hale, R. B.
Halford, H.
Harcourt, G. G.
Harcourt, G. S.
Hardinge, rt. hn. Sir H.
Hawkes, T.
Hayes, Sir E.
Heneage, G. W.
Henniker, Lord
Hepburn, Sir T. B.
Herbert, hon. S.
Herries, rt. hon. J. C.
Hill, Sir R.
Hillsborough, Earl
Hinde, J. H.
Hodgson, F.
Hodgson, R.
Hogg, J. W.
Holmes, hn. W. A'C.
Holmes, W.
Hope, H. T.
Hope, hon. C.
Hope, G. W.
Hotham, Lord
Houldsworth, T.
Houstoun, G.
Howard, hon. W.
Hughes, W. B.
Hurt, F.
Ingestrie, Viscount
Inglis, Sir R. H.
Irton, S.
Irving, J.
Jackson, Mr. Sergnt.
James, Sir W. C.
Jenkins, Sir R.
Jermyn, Earl
Johnstone, H.
Jones, J.
Jones, W.
Jones, Capt.
Kelly, F.
Kemble, H.
Kelburne, Viscount
Kirk, P.
Knatchbull, r. h. Sir E.
Knight, H. G.
Knightly, Sir C.
Knox, hon. T.
Lascelles, hon. W. S.
Law, hon. C. E.
Lefevre, C. S.
Lefroy, right hon. T.
Liddell, hon. H. T.
Lincoln, Earl of
Litton, E.
Lockhart, A. M.
Long, W.
Lowther, hon. Colonel
Lowther, Viscount
Lowther, J. H.
Lucas, E.
Lygon, hon. General
Mackenzie, T.
Mackenzie, W. F.
Mackinnon, W. A.
Maclean, D.
Mahon, Viscount
Maidstone, Lord
Manners, Lord C. S.
Marsland, T.
Marton, G.
Master, T. W. C.
Mathew, G. B.
Maunsell, T. P.
Meynell, Captain
Miles, W.
Miles, P. W. S.
Miller, W. H.
Milnes, R. M.
Monypenny, T. J.
Mordaunt, Sir J.
Morgan, C. M. R.
Neeld, John
Neeld, J.
Nicholl, J.
Noel, hon. W. M.
Norreys, Lord
Owen, Sir J.
Packe, C. W.
Pakington, J. S.
Palmer, R.
Palmer, G.
Parker, M.
Parker, R. T.
Parker, T. A. W.
Peel, rt. hon. Sir T.
Peel, J.
Pemberton, T.
Perceval, Colonel
Perceval, hon. G. J.
Pigot, R.
Planta, rt. hon. J.
Plumptre, J. P.
Polhill, F.
Pollin, Sir J. W.
Pollock, Sir F.
Powell, Colonel
Powerscourt, Visct.
Praed, W. M.
Praed, W. T.
Price, R.
Pringle, A.
Pusey, P.
Rae, rt. hon. Sir W.
Reid, Sir J. R.
Richards, R.
Rickford, W.
Rolleston, L.
Rose, rt. hon. Sir G.
Round, C. G.
Round, J.
Rushbrooke, Colonel
Rushout, G.
St. Paul, H.
Sanderson, R.
Sandon, Viscount
Scarlett, hon. J. Y.
Shaw, right hon. F.
Sheppard, T.
Shirley, E. J.
Sibthorpe, Colonel
Sinclair, Sir G.
Smith, A.
Smyth, Sir G. H.
Somerset, Lord G.
Stanley, E.
Stanley, Lord
Stewart, J.
Stormont, Viscount
Sturt, H. C.
Sugden, rt. hon. Sir E.
Teignmouth, Lord
Tennent, J. E.
Thomas, Colonel H.
Thompson, Alderman
Thornhill, G.
Tollemache, F. J.
Trench, Sir F.
Tyrell, Sir J. T.
Vere, Sir C. B.
Verner, Colonel
Vernon, G. H.
Villiers, Lord
Vivian, J. E.
Waddington, H. S.
Wall, C. B.
Walsh, Sir J.
Welbey, J. E.
Whitmore, T. C.
Wilbraham, hon. B.
Williams, R.
Williams, T. P.
Wilmot, Sir J. E.
Wodehouse, E.
Wood, Colonel T.
Wood, T.
Wyndham, W.
Wynn, Sir W. W.
Yorke, hon. E. T.
Young, J.
Young, Sir W.

TELLERS.

Wynn, rt. hon. C.
Patten, J. W.

Paired off.

Campbell, Sir H.	Campbell, W. F.
Crewe, Sir G.	Walker, C. A.
Douro, Marquess of	Duncan, Lord
Granby, Marquess of	Maher, J.
Grant, hon. Colonel	Wemyss, Captain
Maxwell, hon. S. R.	Talbot, J. H.
O'Neill, hon. General	Fitzsimon, N.
Trevor, hon. G. R.	Colquhoun, Sir J.

Absent.

CONSERVATIVES.

Gisbon, T. M.
Hamilton, Lord C. (abroad)
Heathcote, Sir W.
Ker, D. (ill)
Kerrison, Sir E.

Ossulston, Lord
Spry, Sir S.
Ingham, R.

MINISTERIAL.

Abercromby, rt. hn. J.
Bentinck, Lord W.
Bodkin, J. J.
Brabazon, Lord
Ewart, W.
Fazakerley, J. N.
Cowper, hon. W.
Fielden, J.
Heathcote, Sir G.
Howard, Sir R.
Rice, rt. hon. T. S.
Wilkins, W.

Mr. *Shaw Lefevre* was then led to the Chair by Mr. Handley and Sir Stephen Lushington, when he addressed the House to the following effect: I venture to offer my sincere and heartfelt acknowledgments for the distinguished honour you have conferred upon me. I wish your election had fallen on an individual more worthy of the honour; but I assure you I will endeavour by an honest and impartial discharge of my duties to deserve the high distinction I have received at your hands.

Lord *John Russell:* I rise, Sir, to congratulate you upon the distinguished honour which you have received from the House. I am sure it will be quite unnecessary, after the debate which has just taken place, and after your long experience of the business of the House, that I should say anything either of the arduous nature of the duties to be performed, or of the distinguished honour which any one must acquire by performing those duties to the satisfaction of this House. I shall, therefore, only say that I perceived with very great pleasure during the debate which took place, that there was a disposition on both sides to give every credit to the qualifications of the two Members of this House who were proposed, and that there was nothing in the course of the debate from those who proposed you, Sir, or from those who proposed the right hon. Gentleman opposite, which could create an unpleasant feeling with regard to that competition; and I am sure, from what the right hon. Gentleman the Member for Cambridge, said, and which respect for his character induces me implicitly to believe, that he would be one of the foremost to support the privileges of the House, though the choice might not fall on him, that he, as well as those who voted for him, will make good that promise, and that you will receive, not only from those who support your election, but from the whole of the House, that support and unanimous concurrence by which alone in the difficult circumstances in which a Speaker is placed, he can hope to succeed in preserving order, and carrying properly into effect the important duties confided to him. I congratulate you, Sir, on the high honour you have received, and beg now to state to the House, that it is her Majesty's pleasure that the Speaker should be submitted to her Majesty for the royal approbation in the House of Lords to-morrow at three o'clock. I shall propose that the House do proceed to business after the Speaker has received the royal approbation. I move that this House do adjourn.

House adjourned.

HOUSE OF LORDS,

Tuesday May 28, 1839.

MINUTES.] Bill. Read a first time:—Legislative Authority in the Colonies.

Petitions presented. By the Duke of RICHMOND, the Earl of MANSFIELD, Lords SEGRAVE, and BROUGHAM, from a number of places, for a Uniform Penny Postage.—By the Duke of RICHMOND, from Torrington, against the proposed plan of National Education.—By the Earl of RIPON, from Yarmouth, for Church Extension in Canada.

ROYAL APPROBATION OF THE SPEAKER.] The Lord Chancellor, the Marquess of Lansdowne, Viscount Duncannon, the Earl of Shaftesbury, and Lord Falkland sat as Royal Commissioners to give her Majesty's assent to the Speaker chosen by the House of Commons.

Mr. *Shaw Lefevre*, attended by the Mover, Seconder, and a large body of Members, having appeared at the bar,

The Clerk having read the royal Commission,

Mr. *Shaw Lefevre* said—My Lords, I have to acquaint your Lordships, that, in obedience to her Majesty's commands, and in exercise of their undoubted right, her Majesty's most faithful Commons have proceeded to the election of a Speaker, and that their choice had fallen upon me. Deeply impressed with a sense of my own unworthiness, I now present myself at your bar, and submit myself to her Majesty's royal approbation.

The *Lord Chancellor*—Mr. Shaw Lefevre, we have it in command from her Majesty, to declare her Majesty's entire confidence in your talents, diligence, and efficiency, to fulfil the important duties of the high office of Speaker of the House of Commons, to which you have been chosen by that House. In obedience to the communication which has been just read, by virtue of the authority therein contained, we do now declare her Majesty's royal approbation and allowance of you, Sir, as Speaker of the House of Commons.

The *Speaker*—My Lords, I submit myself, with all humility, to her Majesty's royal will and pleasure, and if, in the discharge of my duty, and in the maintenance of the rights of the Commons' House of Parliament, I am led into any involuntary error, I humbly entreat that it may be imputed to me alone, and not to her Majesty's faithful Commons.

The Speaker and the other Members retired.

CANADA—COLONEL PRINCE.] Lord *Brougham* wished to know whether it would not be convenient to the House, that he should postpone his motion relative to the correspondence that had taken place with respect to the affair of Colonel Prince until Monday next.

Lord *Ellenborough* said, the charge against Colonel Prince was of so gross a nature, that he did not think it ought to be delayed. He observed, that Colonel Prince had made a statement in his own defence already, and he should take the liberty of reading parts of that statement. He should have done so to-night if he could have expected that so many noble Lords would have been in their places.

The Marquess of *Normanby* should be ready, on Thursday, to enter into everything that he was aware of relating to Colonel Prince's conduct.

Lord *Ellenborough* knew nothing of Colonel Prince himself, he had only read his defence.

The Duke of *Wellington* was of opinion that it would be absolutely impossible to consider this question in reference to this gentleman, without considering the whole question out of which the war had sprung. He knew nothing of it, except from what he heard in the House last night, but he thought he should be able to show, that the act complained of was owing to the system of warfare which had been carried on, and that that system was to be traced to some other quarter.

Lord *Brougham* had no doubt that the noble Duke might be able to show that: but whoever might be responsible for this wild outbreak, his observations should be strictly confined to the conduct of Colonel Prince.

Lord *Ellenborough* said, it ought to be remembered, that when his noble and learned Friend was bringing this charge of murder against Colonel Prince, he at the same time brought a strong charge against the officers who had sat on the Committee of Inquiry.

Lord *Brougham* said, that the sentence of the Court of Inquiry had been printed in the *Gazette*, by Sir George Arthur, which he had seen, and the sentence did not acquit Colonel Prince of having killed four or five men (the noble and learned Lord believed the question was between four and five), after the battle was over; but it stated, the charges brought against Mr. Elliott, and confirmed by Mr. Charles Elliott, were very much exaggerated, therefore those persons were reprimanded, and one of them had been dismissed. But Sir G. Arthur stated (and upon his, the noble and learned Lord's statement was founded) that he severely reproved Colonel Prince for having put to death the four or five men who had surrendered, without any trial or legal proceeding whatever. That was the charge brought by Sir George Arthur against Colonel Prince; and he added, that his conduct could only be palliated by a reference to the excited state of his feelings at the moment.

Lord *Ellenborough* said, that Colonel Prince's statement was, that the five men (for there were five) were put to death after the action was over, but while they were yet in momentary expectation of an attack.

Lord *Brougham* said, that Colonel Arthur's statement was, that they were put to death without any legal proceeding.

The Marquess of *Normanby* believed the explanation of Colonel Prince was, that they were put to death immediately after, or at the conclusion of the action; and that they were shot upon the spot.

Lord *Brougham* said, it was very true that it appeared they were shot upon the spot, and that they were fired upon one after the other, upon the spot, and killed dead upon the spot, but that was after they had been surrendered up by the Indians, and to whom it had been said, in answer to an inquiry if the men were safe —can't you trust a British officer?

Subject dropped.

HOUSE OF COMMONS,

Tuesday, May 28, 1839.

ROYAL APPROBATION OF THE SPEAKER.] The Deputy Usher of the Black Rod entered, and summoned the House to the House of Lords.

The *Speaker*, on his return, having taken the chair, said, I have to acquaint the House, that the House has been to the House of Peers, where the Lords, authorised by her Majesty's Commission, have declared, that her Majesty approves of the choice which this House has made in electing me to be its Speaker; and I hope I may be permitted to take this opportunity of again expressing my sincere and heart-felt thanks for the honourable mark of confidence which the House has conferred upon me: I feel I shall have infinite occasion to call for their indulgence and support; but I know that indulgence and support will never be withheld from me, if I proceed fearlessly, faithfully, and honestly, in the discharge of my public duty.

City of London Police.] Mr. Pattison moved the second reading of the City of London Police Bill.

Mr. Grote presented a petition from St. Mildred Ward, in favour of the bill.

Mr. *Hawes* wished to shorten the discussion that might take place on this bill, first, by asking the Under-Secretary of State a question, and then ascertaining whether the promoters of the bill were willing to accede to what he understood would be the proposition of her Majesty's Ministers. He, therefore, now begged to ask the hon. Gentleman below him, whether he was disposed to refer the bill to a committee up stairs, and the House would probably allow him to state his objection to the bill should that proposition be refused.

Mr. *Fox Maule* said, the hon. Member for Lambeth had taken rather an unusual course. The natural course would have been, first to assent to the second reading, and then to have raised the question to what committee the bill should be referred. He thought it would be more satisfactory to the public, that the bill should be referred to a public committee, where all its details could be fully and more fairly discussed.

Mr. *Hawes* said, that perhaps his hon. Friend, the Member for London, would state whether he intended to oppose that proposition.

Sir *Matthew Wood* could assure the hon. Member, that he should oppose every proposition that came from any opponent of the bill in every possible way. When there was a probability of a change in the Administration—he went to the noble Lord to announce his intention of having the second reading on the Friday, and understood that a letter had been received from the hon. Member for Lambeth, stating that he should not oppose the second reading of the bill, but making it a condition that the Under Secretary of State should be put on the committee. To this he consented. Not a word was said about a Select Committee. Was this bill to go to a Select Committee chosen by the hon. Member for Lambeth? Was there ever such a thing heard of as a private bill which was paid for by the corporation of London, being referred to a Select Committee? He was sure the House would treat this as they did other questions of a private nature. After they had changed the bill and made it suitable to the Commissioners of Police, it was not right thus at the last moment, to take such a step as that now proposed.

Lord *John Russell* must deny, that he had been guilty of any breach of faith. Having consented to the introduction of the bill, he certainly wished to see it passed. It was for the House to consider whether the bill should be sent to a Select Committee or be dealt with in the usual manner. So far as it was of public importance, he thought that a Select Committee would be the best tribunal, but he did not consider it of much importance which Committee was selected.

Mr. *Hawes* would be enabled at once to clear himself from the unjust and unfounded aspersions cast upon him by the hon. Alderman. The hon. Alderman was, in that House, very loose in his statements. [" *Order, order*."]

The *Speaker* considered that the hon. Member was out of order in making use of an expression imputing to the hon. Alderman, that he was very loose in the statements he made in that House.

Mr. *Hawes* would, at once, bow to the authority of the Chair, and would instantly recall the expression which was thought offensive; but, at the same time, he would proceed to show that the hon. Alderman had then made a statement not founded upon fact. The hon. Alderman had stated, that the bill and all its clauses had been approved of and agreed to by the Commissioners of Police. He would undertake to say, that there was not the slightest foundation whatever for that statement. He positively assured the House, that they objected to the bill and to every clause contained in it. That was a fact, and he challenged the hon. Alderman to make good his statement. The whole question was a simple one. A Committee of that House sat for two Sessions. It was composed of Members of every shade of opinion, and their report had been unanimously agreed to. He would again repeat, that the Committee sat two years and took evidence, and on the evidence of the witnesses produced by the hon. Alderman himself, the Committee came to an unanimous determination to recommend, that a bill should be brought in placing the whole police of the metropolis under one head—viz., the Commissioners of Police. That report had been agreed to unanimously, and was in direct contravention with the present bill. Every Committee that had sat from 1792 to the present time had all agreed in recommending similar measures, and he would add, that the Commissioners appointed to inquire into the Corporation of the City of London, had recommended a measure founded on the same principles. The City of London professed to say, that the bill they now introduced was a bill founded on similar principles, as the Metropolitan Police Bill. He would undertake to show the House that such was not the case. The corporation appointed a committee, which was annually elected—they had the sole control over the police, acting under the instructions of the Lord Mayor, Aldermen, and Common Councilmen; so that the police of a district, containing 123,000 inhabitants, instead of being under one head, was under the control of the Lord Mayor, Aldermen, Common Councilmen, and the committee annually elected. The bill was also defective on another point, and he was surprised to find, that the bill did not state by whom the men were to be appointed. It stated, that the men belonging to the police force should not canvas or vote at elections, but the most important officer in the force was capable of having a seat in that House. The commissioners of the police, the magistrates of Westminster, were by special Act of Parliament prevented from having seats in that House, and he would put it to the House, if they would permit the officer at the head of the City Police to be capable of being elected a Member of that House; because, if the Police Commissioner might become a Member of that House, he might be engaged in contested elections, and he would ask the House if they thought it was right and proper that such an officer should be so engaged. He was surprised to hear the noble Lord say, that he saw no material objection to this bill, when one of the most important officers under it, and who was to be in the receipt of a large salary, had the power of sitting in Parliament. He hoped that the House would not suffer this part of the bill to stand. The Police Commissioner was not a magistrate—possessed no authority as a magistrate. There was no positive law under which he could be recognised, and this officer would have the command of 500 men, and not be responsible for his conduct to any one except to the Corporation of London. If this officer were to be appointed a magistrate, the City would withdraw this bill, for so jealous were they on this subject, that they would not even permit the Aldermen to have the superintendence of the police. Another objection to the bill was, that it did not place the whole of the police under a commissioner, because by one of the clauses, it was enacted, that ward constables and ward beadles should be elected under the authority of the Aldermen and deputies, and wholly independent of the Commissioners of Police of the City of London. This bill, which the City had now introduced, was decidedly opposed to the Report which had been presented to the House in 1834, and to the recommendation of the Corporation Commissioners. It would not be difficult for him to refer to various reports to show, that what he had stated was correct, but if the House were disposed to give up the report of its own Committee, and the Government were inclined to give up the report of its own Commissioner—it was impossible for a single individual like himself to stand up against it; but when he saw that the western part of the metropolis had been governed by a system of police without any complaint against them, and when he well knew that the expense of the present system of police was one-third less than the system proposed, he thought it was very much to be lamented that the opposition of the City of London was put forth in order to prevent a uniform, sound, and excellent system of police being appointed throughout the metropolis. It had been stated, that very few burglaries had been committed in the City, now he could prove from the Report of the Commissioners themselves that such was not the case, and he was enabled to show, that during those very years in which it had been stated, that no burglaries had been committed in the City a great number had taken place. There was no part of the metropolis in which crime was more prevalent than in the City of London, and, therefore, it was, that the metropolitan districts were entitled to require, that a similar system of police should be established there as existed in the surrounding districts. With regard to referring the Bill to a Select Committee, there were plenty of precedents for that. The present, it was true, was a private bill; but it related to public objects of great importance. The right hon. Baronet, the Member for Tamworth, when he introduced the bill with respect to the British Museum, proposed, that it should be referred to a Select Committee, and he did not see why the same course should not be adopted with the present bill. If he was compelled to divide the House on the second reading, he should do so; but if the Government were disposed *bonâ fide*, for there had been so much change in their opinions lately,—but if they were disposed, *bonâ fide*, to support the motion to refer the Bill to a Select Committee, then he should have no objection to the second reading; if not, he should oppose it even if he stood alone.

Sir *Matthew Wood* said, that such alterations had been made in the bill as appeared to the noble Lord, and the Under Secretary, in the meetings they had had with the Commissioners, necessary. The hon. Member for Lambeth wished to have the bill referred to a Committee, and he had made a very fine show by referring to the names of Gentlemen who had sat on the Police Committee of that House. He believed the hon. Member for Lambeth was Chairman of that Committee, and discharged his duties as such most assiduously, but he believed the Chairman was very often there all day by himself.

Mr. *Hawes*: I hope the House will allow me to give a distinct and indignant denial to that statement.

Sir *Matthew Wood* believed, that when the very report which had been referred to was carried unanimously, there were only five hon. Members present, and he had a list of them in his hand. The noble Lord appeared to think the words he had used, in regard to the breach of faith, were too strong. He could assure the noble Lord that he left the room with the impression that the Government would support the second reading, but when he came down to the House he found the Under Secretary supporting the hon. Member for Lambeth in a very exclusive manner.

Mr. *Fox Maule* said, it had been his intention to support the bill, because he approved generally of the various clauses, but on looking over the clauses of the Bill he found the suggestions that had been made, of giving control to the public officer of the Home Department, together with the Magistrates of the City of London, were altogether omitted. However, that might, no doubt, be rectified.

Sir *Robert Peel* said, Sir, I am sure the public are under very great obligations to the hon. Member for Lambeth for his consistent and unremitting exertions on this subject. The course he has pursued throughout has been most useful as well as laborious. Nothing, indeed, could be more fair than the part he has taken to perfect this important establishment, and I have no hesitation in stating my earnest conviction that his conduct has been most public spirited and most disinterested. As to the absence of members of a committee, that does not detract from the value of a report, for if they do not attend, the chairman has every right to take it for granted, that he has their perfect confidence, and to proceed accordingly. If they dissented from him, or disagreed in any thing, it would have been easy for them to attend and overbear his views by their votes or arguments. For my own part, I could not attend the committee, but if I had felt inclined to dissent from the general opinion of those who did, I should have stated my objections. Not having done so, I consider myself as having fully incurred the responsibility, in common with the rest, of conclusions set forth in the report, which was ultimately adopted. I can state, in confirmation of the assurance of the hon. Member for Lambeth, that the opposition since manifested, was not heard of while the committee was sitting. I do, for my own part, exceedingly regret, that when I constructed my Police Act, I had not the opportunity of making the improvements suggested in the valuable report of the committee. I did then (under the pressure of circumstances which I could not control, and to secure the introduction of a system which was denounced as rash, experimental, and dangerous) — I did consent that the city of London should not be included within its operation. Then, as now, the ancient privileges of the city of London were powerfully pleaded in exemption — prejudices were awakened respecting interference with the ancient rights of freemen, and eventually the anomaly was established, by which we behold a small civic district, the population of which does not exceed 58,000 or 60,000 inhabitants, permitted to be arbitrarily governed by its own police, or a system different and distinct from that by which the peace and security of the whole surrounding district are preserved. Looking in the abstract to the inconsistency of this state of things, it is impossible that I should sanction or assent to it, as the incongruity and absurdity of the position must be apparent, on a moment's reflection. Indeed, I was in hopes that the natural feelings of justice, nay, even of convenience to themselves, on the part of the citizens of London, would have ere this induced them to consent to the more consistent and comprehensive plan proposed by the committee in their report; but now, looking to the case as it stands, and viewing the still existing and serious opposition on the part of the city, we are to consider whether, if it were forced on them against their inclination and consent, it would work so well as to warrant the hazard of the experiment. For my own part, Sir, I fear it would not, seeing the strong impression they entertain of such an arrangement being in violation of the ancient corporate privileges for which they so earnestly contend, though it must be confessed they did not make any such energetic remonstrances on behalf of other corporations when threatened with the interference of reforming legislation. However, I honour and respect them for their efforts in behalf of privileges they deem so valuable (though at the same time I feel they are decidedly in error as to the facts), and I confess I should anticipate little practical advantage from pressing a measure so contrary to their opinion, however abstractly consistent or beneficial as an act of legislation. I do think it perfectly fair, Sir, to defer to the general opinion of such an influential body as the citizens of London, in such a case as the present; and though I think the hon. Member for Lambeth is entitled to the highest credit for his persevering exertions, and has been quite right throughout in the course he has taken, I doubt the advantage that will result from his further opposition to the Bill, under the circumstances. I very much wish the city would consent to adopt the system recommended by his committee, and I think, Sir, they ought; but, as they are determined to reject it, I would advise him not to vote against the second reading. But I think we ought to fully understand the result of the present proceeding, and vote accordingly. If I am to force the plan recommended in the report on the city, I will vote first for the second reading, and afterwards for a select committee, to be chosen by the hon. Member for Lambeth, to accomplish that object; but if we understand, that the Bill before us is to pass without any attempt to force on the city of London more than it is prepared to adopt, I will vote (after it has been read a second time) for an open committee, in which such improvements shall be made as will harmonize with the Bill as it stands. Therefore, though I will vote for the second reading, I will not consent to the appointment of a select committee that will defeat the principle of the Bill. I want a perfectly fair committee, that will improve without attempting alterations which, though really good in principle, are altogether inapplicable in the present state of public opinion in the city of London.

Mr. *Hawes* expressed himself desirous of following the course recommended by the right hon. Baronet, and hoped he should have his assistance to form a good committee. There had, within the last two years, been so many false foundations built upon, that had given way when the least pressure was felt, that he scarcely knew what to depend on, and seeing no better path to pursue, he would follow that pointed out by the right hon. Gentleman.

Sir *R. Peel.* I hope that the hon. Gentleman will, if he finds things go well in this case, be tempted in future to extend his confidence a little further.

Bill read a second time, and committed to a select committee.

TURKEY AND EGYPT.] Mr. *Hume* wished to ask the noble Lord, in the absence of the Secretary of State for Foreign Affairs, whether the Government had received any information of the Turkish army having crossed the Euphrates? He also wished to ask, whether the statement was true, that the Russians had demanded from Mehemet Ali that he should retire altogether from Syria?

Lord *J. Russell* said, in answer to the first question of the hon. Member for Kilkenny, he begged to state that the Government had received no intimation of the Turkish army having crossed the Euphrates. The latest intelligence which the Government had received was from the British Consul at Damascus, who had informed the Government of the advance of the Turkish army to the eastern bank of the Euphrates, but there was no information of that army having crossed over to the western bank. The Consul had also stated, that the forces of Mehemet Ali were concentrating in the same quarter. He must say, also, that there was nothing in the accounts received by the Government to show that war had commenced, or that the efforts which had been made by the great European Powers to prevent hostilities between the Sultan and Mehemet Ali, would not be attended with ultimate success. With regard to the second question which had been put to him, he had to state, that the Government had received no intimation of any such demand as that to which the hon. Gentleman had alluded, as having been made to Mehemet Ali on the part of the Russian Government; and he did not believe that any such demand had been made.

CHILDREN'S FRIEND SOCIETY.] Mr. *Finch* wished to ask the noble Lord, whether any inquiry had been made by the Government relative to certain proceedings of a body called the Children's Friend Society, and which had of late occupied much of the attention of the public?

Lord *J. Russell* said, his attention had been called to the subject by the statements which had been made public, and also by certain documents which had been forwarded to him. On receiving those documents, he had directed that all the papers should be forwarded to his noble Friend the Secretary for the Colonial Department, and an investigation of the proceedings of the Children's Friend Society had in consequence taken place. He was not prepared to answer all the statements which had been made, but he must say, that the result of the inquiry, so far as it had gone, was favourable to the society; and he did not believe, that there was any want of fairness in its proceedings. He believed, on the contrary, that the intentions of the society were praiseworthy, and that it had done a great deal of good.

BREACH OF PRIVILEGE — PARRETT NAVIGATION.] Sir *C. Burrell* rose to call the attention of the House to the report of the Committee on the Parrett Navigation Petition, alleging forgery in the petition against the bill. On the 22d of April, a petition was presented from the Company of the Proprietors of the Parrett Navigation, alleging that

> "Previously to a bill for granting further powers to the company being referred to a Committee of your honourable House, a petition was presented against the same, purporting to be a petition of the merchants, traders, and other persons interested in the navigation of the River Parrett, in the county of Somerset, and of the inhabitants of the several towns, villages, or districts supplied with goods or merchandise by means of the said river, and purporting to be signed by upwards of two thousand persons, which petition was referred by your honourable House to the Committee upon the said bill. That the Committee of your honourable House met to take the said bill into consideration upon Tuesday, the 12th day of March last, and continued its sittings for eight subsequent days, when they reported to the House the result of their inquiry upon the said bill and petition. That on Monday, the 8th day of April instant, Mr. Henry Lovibond, a merchant in Langport, an individual whose name appeared to the petition presented against the said bill, informed Mr. Broadmead, your petitioners' solicitor, that the petition which had been so presented to your honourable House was not the real petition which was actually signed, the two petitions containing different allegations. That he was always decidedly opposed to having any tolls transferred to the canal, and he joined the opposition on the express ground that no such transfer should be proposed. That the petition signed was sent to town by Jacob Stower and Job Bradford, and before he (Lovibond) arrived there, the real petition was cut off, and another, with an allegation that the tolls should, in a given event, be transferred to the canal, substituted for it, and he never signed the new petition at all. That he remonstrated with the other parties upon the change that had been made in the petition. That he was to have been examined as a witness against the bill to prove certain calculations against the com-

pany, but he was not examined lest the fraud should be discovered. That the above statement was made in the presence of Mr. Murly, the solicitor to the said Henry Lovibond, and Mr. Broadmead appealed to him for the truth of it, who admitted that it was true, and that, if the said statement so made by the said Henry Lovibond be true, a forgery must have been committed in the petition so presented to your honourable House, such petition containing the name of Henry Lovibond, and there being no other person of that name interested in the said bill."

On the 23d of April, the House had appointed a Committee to inquire into those allegations, and on the 1st of May that Committee had reported that the petition which had been presented to the House was not the real petition which was actually signed, the two petitions containing different allegations. The report said,

"That the statement made by Henry Lovibond, 'that the petition so presented, though bearing his signature, was not signed by him or with his consent,' had been proved, and that therefore a forgery had been committed in the petition so presented to the House, and that it appeared to the Committee that Benjamin Lovibond, an agent for the petitioners, was cognizant of the forgery before the petition was presented to the House."

He (Sir C. Burrell) considered that this was a gross breach of the privileges of the House, and he therefore moved that Benjamin Lovibond be taken into the custody of the Sergeant-at-Arms.

Mr. *Williams Wynn* seconded the motion, which was immediately agreed to.

Mr. Benjamin Lovibond was then brought to the Bar of the House, and

The *Speaker* addressing him, said, that his conduct had been under the consideration of a Select Committee of that House, who had reported that a petition presented to the House on the Parrett Navigation was not a petition which had been actually signed by all the parties whose signatures it professed to bear. He was charged with having forged the name of Henry Lovibond and John Lovibond and others. This was the report of the Select Committee, and he had now to ask him what he had to say in his defence.

Mr. Lovibond accordingly read from a written paper which he held in his hand a statement, in which he alleged that he had been retained as a solicitor to oppose the bill, and that the retainer was signed by all the parties whose names were appended to the petition which he had presented. On the 7th of March he arrived in town for the purpose of preparing a draught of a petition in accordance with his instructions; and having, with the best assistance he was able to obtain, prepared such a petition, he sent it down to his agent in the country for signature. Subsequently two of the merchants who were opposed to the bill came up to town, with a petition signed by the opposing parties, which did not contain some allegations contained in the other petition, and contained one allegation not made in the original draught. No reason was assigned for the alteration, and acting under the advice of his Parliamentary agents, he deemed it most advisable, no material alteration having been made, to present the first petition. Henry Lovibond had never repudiated his signature, but had recognized it by subsequent acts; and he submitted, therefore, that no forgery had been committed either by the statute or the common law of this realm, since the subsequent recognition of an agent's acts by a principal, was equivalent to a previous authority given by the principal to the agent. The object of both petitions was the same, and no inconvenience had resulted or could result from what he had done. If, however, the House was of opinion that he had invaded their privileges, he must express his deep regret for the irregularity which had been committed, as an invasion of their privileges was entirely unintentional on his part.

Mr. Lovibond was then ordered to withdraw, and withdrew accordingly.

In answer to questions put by several hon. Members, the witness stated, that Messrs. Jones and Walmisley were the Parliamentary agents who advised him to substitute one petition for the other, they both being present at the time, and he did so under the impression that he was acting perfectly right, and that he should be imposing on the House by not doing so; that on the 8th of April Mr. Broadley agreed to give Mr. Henry Lovibond 160*l.* for his railway, which the House had refused to give; and then Mr. Broadley got a clause moved on the third reading of the bill fixing that amount on the public by means of a toll; that the number of 2,000 signatures were collected at Langport, the parties signing under the impression that they were opposing the Company, and petitioning against any further toll being levied on the river Parrett; but the petition sent up by Mr. Merley was, in fact, not the petition that had been first signed; and his attention was drawn to that fact by Joseph Stours and Robert Wallis, upon which he made the alteration. In appending the name of Henry Lovibond to the petition, he did so because he thought he was justified by his general retainer, not thinking that Henry Lovibond would not sign the petition.

The witness having withdrawn,

Sir *C. Burrell* said, in justice to Mr. Walmisley, he would remind the House, that he denied the account of the transaction given by the witness in his evidence before the Select Committee. He should move, that Mr. Walmisley be called in and examined.

Mr. *Wynn* said, the only ground for calling Mr. Benjamin Lovibond to the bar of the House was, to hear if he had any thing to advance in explanation of the charge made against him in the report of the Select Committee; but he could not see any use in calling in Mr. Walmisley, whose evidence was already on record and before the House. He thought the case was now sufficiently before the House, and that they might proceed to act upon it. The House had heard Mr. Lovibond, who had admitted the act with which he was charged, although he had endeavoured to excuse himself by an allegation, or an argument as he had called it, that he thought he had a right to do so. But it was quite clear that he had been guilty of tampering with a petition which had been presented to that House.

Mr. *Hume* concurred in the view taken by the right hon. Gentleman, that the hearing of further evidence was unnecessary; he was satisfied with what he had already heard.

Lord *John Russell* thought the evidence already before the House quite sufficient to guide its judgment. He was at a loss to conceive how any man of education could think of making such an excuse as that which the party had offered to the House; and how he could have supposed that it would be admitted as a sufficient warrant for his conduct that he had been advised to act as he had done by a Parliamentary agent. He (Lord John Russell) really thought that a man's own sense of propriety would have taught him better. He would suggest, therefore, that Benjamin Lovibond should be given into custody, and brought to the bar to be reprimanded by the Speaker.

Sir *C. Burrell* thought a mere reprimand for this offence, particularly in the present state of the House, was wholly insufficient. He, therefore, hoped the noble Lord opposite (Lord John Russell) would not think him discourteous if he (Sir C. Burrell) proposed (as he had originally intended to do) that this Gentleman be put into the hands of the Sergeant-at-Arms.

Mr. *Pease* did not think, that, on inquiry, the offence would be found so grievous as at first sight it appeared. The whole proceeding had certainly been one of gross irregularity, but he concurred with the noble Lord below him, in thinking that the course proposed by the noble Lord would entirely satisfy the justice of the case.

Mr. *Jones* said, he had always been opposed to the House acting as jury and judge in their own matters; but when a contempt like the present had been committed—a contempt by which the jurisdiction and rules of the House had been violated—it must be punished summarily if it was to be punished at all. Looking at the nature of this offence, he was prepared to agree to the motion for the committal of this Gentleman to the custody of the Sergeant.

Lord *John Russell* remarked, that it was extremely desirable that in matters of this sort the House should come to some opinion on which a division would be unnecessary. He did not at all wish to insist upon his own opinion, supposing the hon. Baronet opposite did not mean that this party should undergo a protracted confinement, but that he should be brought up on the next meeting of the House.

Sir *C. Burrell* was understood to say he had no personal feeling in the matter: he was ready to meet the views of the House generally.

Mr. *Erle* said, that it appeared to him that the real facts of the case were not at present understood by the House. Those facts, as he collected them from the report, were, that the party who had appeared at the bar came up to London to oppose the bill in question on behalf of the merchants of Langport; that in London he prepared a petition, and sent it down to an agent in the country to obtain signatures; the agent struck out a material allegation in the petition, and having obtained the signatures, returned it to town. He should state, that the petition was not sent round, but slips of paper, for signatures against any increase of tolls, were sent about the country, and then appended to the petition, and, therefore, in point of fact, the signatures really did not belong more to the original than to the altered petition. On reading the petition on its return, Mr. Benjamin Lovibond discovered that an allegation (of importance in his judgment) had been left out by the agent in the country, and he, therefore, took the list of names which had been merely pasted to the petition sent up from the country, and added them to the petition containing that allegation as originally prepared. He had stated to the House that he consulted his Parliamentary agents, and that they having advised him to get some names affixed to the sheet on which the petition itself was written, he went to one of the merchants of Langport, who was in London, as part of a deputation sent to oppose the bill. That Gentleman signed his own name and that of his partner, and the name of Mr. Henry Lovibond was also added to the petition, but not by that gentleman himself. Mr. Henry Lovibond, however, heard the petition read in the committee-room; he paid money from time to time to Mr. Benjamin Lovibond for his attendance and services under that very petition now objected to, and for nine days he never raised an objection to it. Thus the matter rested until the parties were about to proceed with the bill in the House of Lords, when the company of the Parrett Navigation proposed to Mr. Henry Lovibond to give him 160*l.* to leave the opponents of the bill and to join the promoters, and then it was, that Mr. Henry Lovibond came forward and said, that his name to the petition in question was a forgery. Now he submitted, that as it appeared from the statements, that in the opinion of Mr. Austen the one petition would have answered as well as the other, that as no fraud was intended, however gross the irregularity had been, the House would deal with mercy, and concur in the proposition for a reprimand. He could not avoid reminding the House, that in the Southampton election case, where the petition having been altered after signed by the petitioners was objected to, the committee, finding that no fraud was intended, proceeded with the inquiry without attending to the alterations and interlineations.

Mr. *Freshfield* concurred in the opinion, that this was a case in which the least possible punishment would be sufficient.

Mr. *Hume* thought, as there had been no attempt at fraud, the adoption of the proposition of the noble Lord, the Secretary for the Home Department, would amply satisfy the justice of the case.

Mr. *Miles* said, that the individual who had appeared at the bar had applied to him to undertake the opposition to the bill, and had stated, that he had a petition signed by 2,000 persons of the first weight and respectability. He (Mr. Miles) was engaged on other matters, but recommended him to put the petition of such weight and character in the hands of some other Member who could attend to the case. Now, he had given that advice, not on the recommendation of the case by Mr. B. Lovibond, but on his representation of that which now turned out to be what he must call a forged document, and therefore a fraud had been endeavoured to be committed, by his being asked to present a petition which actually had not been agreed to by those whose signatures were affixed to it. At the same time he trusted, that a reprimand would have the same effect as if the individual were placed in custody. He was sure, that if this party appeared again as agent before the House, he would never forget the mercy dealt to him, or the reprimand so properly awarded.

Mr. *Williams Wynn* remarked, that though a reprimand might be amply sufficient to prevent this party from offending again, still it was desirable to show the public that the practice, now too prevalent, of tampering with petitions would not be suffered with impunity. The case had been fully made out before the committee to whom the inquiry had been delegated, and he must say, it was necessary to mark the offence with a punishment of a higher nature than a mere reprimand. He thought the party ought to be committed—it would only be for two days, when on the next sitting he might present a petition and be discharged. He should not move this at present, but if the House fell into his views, he was ready to do so.

Sir *C. Burrell* said, that he was of opinion the course suggested by his right hon. Friend would be most likely to maintain the privileges of the House and to prevent a repetition of any such irregularities in future. He should therefore now, in the first place, move, that the report of the committee be agreed to.

Motion carried.

Sir *C. Burrell* then moved, that Mr. Benjamin Lovibond be committed to the custody of the Sergeant-at-Arms.

The *Solicitor-General* moved as an amendment, that Mr. Lovibond be called to the bar of the House on Thursday, to receive a reprimand from the Speaker. By taking this course he thought they would be making a sufficient example.

Mr. *Williams Wynn* did not conceive, that this was at all the proper course. If the House thought, that a reprimand was sufficient, that reprimand should certainly take place immediately. He could see no possible advantage which could result from the postponement of the reprimand for two days.

It was then ordered that Mr. Lovibond be brought up to the bar, and be reprimanded by the Speaker.

Benjamin Lovibond was accordingly called to the bar, where he was reprimanded by Mr. Speaker, as followeth:—

Benjamin Lovibond, The House has considered the report of the select committee to which your conduct has been referred, and I am directed by the House to acquaint you, that you have incurred the severe displeasure of this House; that you allowed a petition to be presented, connected with a bill of which you were the agent, knowing that at least one of the names appended to that petition was a forgery. You have also misrepresented the opinions of a considerable body of the petitioners, who were desirous of placing those opinions before this House, with reference to a bill then in progress. You have been decidedly guilty of a breach of the privileges of this House, in tampering with a petition; and if such conduct was to pass without censure, it is manifest, that petitions would either cease to be regarded as authentic, or, if regarded, the House would be led, without intending it, to do injustice to individuals, whose interests are affected by the petitions.

You have expressed your sorrow for the offence, and the House in its lenity has thereupon directed that you be reprimanded; and you are reprimanded accordingly.—Entered in the journals.

HOUSE OF LORDS,

Thursday, May 30, 1839.

MINUTES.] Petitions presented. By the Marquesses of SLIGO, WESTMINSTER, and ANGLESEA, Earls of ABERDEEN, and WINCHILSEA, Viscount LORTON, Lords HILL, SEAGRAVE, and DACRE, and the Bishop of WINCHESTER, from an immense number of places, for a Uniform Penny Postage.—By the Earl of ROSEBERY, from Sutherland, for Church Extension in Scotland.—By the Marquess of BUTE, from several places, to the same effect.—By the Earl of WINCHILSEA, the Bishops of LONDON, RIPON, and EXETER, and the Earl of MALMESBURY, against the Ministerial plan of Education.

OUTRAGE ON THE BRITISH FLAG.—THE MEDEA.] Viscount *Strangford* said, that as the noble Earl, at the head of the Admiralty, was in his place, he wished to know whether that noble Earl had received official information regarding an outrage which had lately been committed on one of her Majesty's vessels by a French ship of war?

The Earl of *Minto* felt extremely indebted to the noble Viscount for having afforded him an opportunity of explaining a circumstance which had undoubtedly attracted a very great deal of attention, and upon which there was a very great deal of misrepresentation before the public. It was perfectly true, that a very unfortunate collision had occurred between her Majesty's ship Medea and a French brig of war, and the accident had been attended with very unfortunate circumstances. As soon as possible, however, the French officer made that reparation and apology, which he felt to be due, for the consequences that had ensued. He happened to be more fortunate in this instance than on the former occasion, for he was in possession of full details of the affair from the commanding officer. He had received both public and private letters giving an account of the transaction, and as he thought it not improbable, that the subject would be mentioned, he had brought those documents with him, and would read them to their Lordships. The first letter, which was of a public nature, was as follows:—

"Medea, Bermuda, 20th of April, 1839.

"Sir,—I beg you to acquaint the Lords Commissioners of the Admiralty, that on the evening of the 11th instant, at 7 P. M., a vessel was discovered, supposed to be a slaver, standing along the land, to the southward of Cuba. Our course was immediately altered, with the intention of boarding her; a gun was fired without shot, and after that a volley of blank cartridges was fired; and, as she did not shorten sail, the Medea stood after her, and, on approaching her and hailing, found her to be a French brig of war. The vessels separated a little, and wishing to inform him, that all was settled at Vera Cruz, I ordered Commander Notts to approach him a second time, the vessels came in contact with each other, from the Medea not answering her helm so quickly as was expected, when several shots were fired from the stranger, intended to cross our bows, which unfortunately wounded a seaman, Matthew Harper, whose leg was afterwards amputated. The stranger proved to be the Griffin, French brig-of-war, of twenty guns, from Brest, bound to Vera Cruz, and on the French commander, Captain Olliver, coming on board, he offered the most ample apology, and stated the reason of this firing was, that he considered it possible, that we might have have been a Mexican vessel of war, as he had heard, that several vessels had been fitted out in America to cruize against the French; and he regretted very sincerely, the unfortunate occurrence which had brought the two vessels in contact with each other, and declared, that he never intended to fire more than one gun across our bows, but that his men disobeyed his orders, and that he would inquire into their disobedience.

"I am, &c.
(Signed) "P. J. Douglas,
"Commodore and Commander-in-chief.
"Charles Wood, Esq., Secretary of the
"Admiralty, &c."

The same facts were stated more fully in a private letter which was to the following effect:—

(Private) "H.M.S. Medea, at Sea.
"April 13, 1839.

"My dear Sir Charles — You will perceive by my public letter that we have had the misfortune to be fired into by one of the French brigs-of-war, who unfortunately took us for a Mexican cruizer, as he had heard, that several vessels had been fitted out in America and were cruizing among the islands; we had hailed him, and could only make out that he was a French vessel of war from France, and wishing to learn what news we could, as well as to tell him that all was settled in Mexico, I wished to speak to him again, and in doing so (the Medea not answering her helm so quickly as Captain Notts expected), we unfortunately hooked his quarter boat, which he considered might be an attempt on our part to board, he had directed one of his guns to be fired across our hawse, but as his men were at their quarters, by one of those unforeseen as well as unfortunate occurrences, six of his guns went off, and I regret to say, the shot struck us and wounded one of our men. As I was aware, that she was a French vessel of war, I did not like to fire into her, and occasion, God knows what mischief to both vessels, but hailed him to heave to, which he did, and when he came on board, made the most ample apology and excuses, and no one could deplore the accident more than he did, which he assured me most energetically on the quarter deck, arose entirely from his men having mistaken his orders. I cannot tell you how much this unpleasant affair has distressed me, though it is one of those occurrences over which I had no control, and I trust that my forbearance in not firing into her, knowing her to be a French vessel of war, will meet your approval, as I could not consider this an attack on our flag, as it was perfectly dark, and no colours could be seen."

It was quite clear, from what he had stated, that this was an unforeseen accident and that no evil intention could be imputed to either side. He thought that this explanation would be satisfactory to their Lordships and to the public, for he had seen, that attempts were made to take advantage of this incident, in order to produce somewhat of ill feeling and to excite the sensitiveness of a high minded and sensitive profession.

Viscount *Strangford* said, that the explanation of the noble Earl was certainly satisfactory; but some how or other those accidents occurred much more frequently of late days than heretofore.

The Earl of *Minto* said, that there had been two such accidents certainly; but they had not arisen from any intentional error on either side.

CANADA—COLONEL PRINCE.] Lord *Brougham* said, that in giving notice of a motion on this subject for to-day, his intention was, to give his noble Friend opposite (Lord Ellenborough) an opportunity of stating whatever he might have to lay before their Lordships in vindication of Colonel Prince, and therefore, in bringing forward the motion, he should not make any statement, but reserve himself for a reply to the noble Lord's defence of Colonel Prince, should such be necessary. The noble Marquess (the Marquess of Normanby) had stated, that he had no objection to lay before the House a copy of the minutes of the Militia Court of Inquiry on Colonel Prince. He, therefore, would confine his motion to an address for that document.

Lord *Ellenborough* said, that it must be clear to their Lordships, that the circumstance of the noble Marquess not considering himself at liberty to lay before the House, the whole of the evidence, made it more necessary for him to detail to the House the statement made by Colonel Prince in explanation of the circumstances that took place. He felt in doing this, that he was doing justice not to Colonel Prince only, with whom he was wholly unacquainted, but to the members of the Court of Inquiry, and the great body of persons in Canada who appeared to have sided with Colonel Prince. Before he read to the House the statement of Colonel Prince, it was necessary, that he should bring before the House a few facts which had taken place previously to this occurrence. Colonel Prince was a member for Essex county, and also a magistrate, and lived at Sandwich, and at a meeting of the inhabitants held on the 9th of June, 1838, certain resolutions were agreed to, all most strongly condemnatory of the course which the Government had pursued respecting certain prisoners who had been taken during the preceding winter, and sent before courts of justice for trial. They said :—

> "At the same time we think it right to state, that notwithstanding all along our frontier we have suffered hardships and privations both by day and night, which it is scarcely possible to describe, still we have the mortification to see, that the brigands Theller and Sutherland have escaped the punishment which they merit, and that the murderers at Point-au-Pelée Island are not to be treated as such, but to be detained as prisoners of war. It is, therefore, the opinion of this meeting, that the course adopted by the Government in this case is unwise and impolitic towards the public in general, and the inhabitants of the frontier who have suffered so cruelly."

These were the feelings of the persons who attended that meeting.

But they went further :—

> "From positive information which has been communicated by individuals whose veracity we cannot question, we have no hesitation in saying, that we are in danger of being invaded by a numerous band of murderers, and that, not having a sufficient military force for our protection, we are almost driven to the necessity of abandoning our homes. We cannot help feeling that our lives and property are not protected as we have a right to expect; and that, in any future warfare for the protection of our lives and properties, a thirst for sanguinary, retributive vengeance may take the place of that exemplary and gallant forbearance of temper which has hitherto distinguished the conduct of the inhabitants of this province."

These resolutions were sent to the Governor, Sir George Arthur, who on the 19th of June transmitted them to Lord Glenelg, along with an opinion of the Attorney-general delivered for the purpose of excusing the conduct of the Government with respect to the trial of prisoners. He said :—

> "With respect to foreigners, by the laws of the country they cannot be prosecuted as traitors, as they owe no allegiance to the Sovereign; but it is true that they might have been put to death on their capture, at the moment they were taken, as outlaws, as having forfeited all claim to the protection of the laws of all civilized countries."

The Secretary of State acknowledged the receipt of that opinion of the Attorney-general, but he made no remark whatever. The event which was anticipated actually took place. An attack was made. It was made, he thought, on the 4th of December, 1838. Sir George Arthur said, that on the 4th instant, a band of ruffians, about four hundred strong, landed about three miles above Sandwich. Having set fire to the barracks at Windsor, and consumed in them two militiamen, they killed a man of colour, and afterwards murdered Staff Assistant-Surgeon Hume, mutilating his body with an axe. In the action twenty-five were killed. That was the statement given of the transaction in the official documents. Colonel Ayre, who commanded at Amherstburgh, went to Windsor, where the action took place, and in his report not one word was said of the murder of these four men. But he would now read to the House a statement made by Colonel Prince in his own defence. It was made on the 9th of April last. After the result of the Militia Court of Inquiry was made known, a dinner was given to Colonel Prince at Toronto. The Mayór took the chair, and several members of the House of Assembly and different militia officers were present. The opinion of the Attorney-general, that they had a right to put to death these outlaws, appeared to have been admitted at the meeting at which Colonel Prince made his statement. The chairman said:—

> "Our object is twofold. To do honour to the active and gallant officer on my right, as well the defender of our domestic altars, as the vindicator of our national honour, and to proclaim to our bloodthirsty assailants, that on British ground, from British hands, they are to expect nothing but the fitting doom of murderers and outlaws."

He (Lord Ellenborough) would now read a portion of Colonel Prince's statement. He felt that it was impossible for him to read to their Lordships the whole of the statement made by Colonel Prince. Portions of that statement were filled with personal reflections, with which he should not trouble their Lordships, and respecting which, he felt it would not be right to bring them forward upon such an occasion as the present. What he meant to read from the statement referred exclusively to the question then before their Lordships, and it would be found, that Colonel Prince did not disguise the part he had taken in the transactions which had been commented upon. Colonel Prince began his statement by saying, that he would not disguise from the meeting, that he was aware, that there were some who questioned the propriety of what he had done. He believed, that there were but very few, but still he should give an account of all that had taken place. He observed, that fifteen months ago seventy villains, misnamed patriots, had assaulted their little town, and having cannonaded it for two successive days were defeated. Their leader was taken and escaped, and no one was punished by the law for that outrage. Then came another invasion by the buccaneers. Many prisoners were taken, and " no one was shot or hung, as they ought to have been." They had not yet even been tried, and they were kept to fatten in their prisons—places in which these plunderers were much better off than they had ever been. Then came the capture of General Sutherland and some of his followers; but did they shoot even those ruffians on the spot? Such was the state of their frontier in 1838. Armaments were again preparing on the American side. Colonel Prince then continued in these words:—

"During this period we were continually expecting an attack. A large reward was offered in Michigan for my head, because I was a loyal man, and an active officer. At length, after having harassed us perpetually, they invaded us. They murdered a poor negro in cold blood. They murdered and afterwards mutilated the brave and excellent Dr. Hume. Only one hour before, he was in my house full of health and life, and when I saw him the victim of the knife and the axe, when I saw the mangled body of the negro, when I saw my loyal fellow subjects lying around the smoking embers of their homes, and when I saw that the punishment for heinous crimes had vanished from the earth, and that the verdict of a jury went for nothing, I ask, in the face of the whole civilized world, whether the time had not arrived when the severest, when summary, justice ought to be inflicted on that murderous crew? The five wretches whom I ordered to be executed, were shot during the excited period of an unexpected attack from the enemy, or when we were marching up to meet them. This the evidence before the Court of Inquiry will show; and the other villains who were taken, we handed over to the civil powers, but very few of them have been executed."

Lord *Brougham* was exceedingly glad that his noble Friend had pursued the course which he had thought proper to adopt upon the present occasion; for none other could have better served the ends of justice. The person whose conduct had been attacked by him in that place—attacked upon grounds which he should presently show had not been in the slightest degree shaken—and attacked, too, in language which was not more strong than the occasion required—but having been so attacked it was fitting that all should be heard that could be urged in the defence of that Gentleman, and in such a case he must say, that a better course could not be pursued by his noble Friend than that of reading Colonel Prince's own words, containing his own account of his own acts. If Colonel Prince had been an ignorant person—if he had been a man of imbecile understanding, if he had been a man not accustomed to defend himself and others—if he had been an unlearned, inexperienced, feeble, advocate in his cause—he then should have doubted that his noble Friend had pursued the best course in the defence of Colonel Prince, by substituting the words of the accused for the arguments which his noble Friend might have used. It was plain that a man who made that speech had corrected it for the press; it was manifestly a speech reported by himself, because if it were not so, then he must say that the reporters of after-dinner speeches in Canada were far superior to any that were to be found in Europe. But if it were only a report of a speech made, he must say that it was a most striking and able defence, and one of the most touching narratives he had ever heard, and the more touching and the more striking because it was made by an eye witness of the scenes which he described. Colonel Prince had now, then, no right to complain of being condemned without a hearing; or of being attacked behind his back—for Colonel Prince stood in the place occupied by his noble Friend. If Colonel Prince were in that House he could not have done better for himself than his noble Friend had done for him, in putting forward his own case in his own words. Their Lordships had however now to go to the rest of the case, of which they had not heard; and first, as to the verdict of the meeting at Toronto. It was said that they were all united together—that they were all of one opinion—and that they had received the defence of Colonel Prince with the greatest acclamation. Now he must own that he should have been better satisfied with the applause and the acclamation, if it had been bestowed upon Colonel Prince, not by the meeting in Toronto, where the matter did not take place—where they took Colonel Prince's own account, and where they knew personally as little of the real facts as any of their Lordships.

Lord *Ellenborough* begged the noble and learned Lord to look to the proceedings of the Court of Inquiry.

Lord *Brougham* said, that he was coming to the Court of Inquiry. But how was the case made out for Colonel Prince by the opinion of the meeting at Toronto? They knew nothing personally of the matter—they heard only his own statement of the facts. He did not think that such an appeal from the law—from the administrators of the law of the land and of justice—could be sanctioned by their Lordships. Nor did he think it was a right course of argument for his noble Friend to pursue, to read the vituperatious resolutions which had been passed at a meeting in Canada, and which he did not deny contained the gravest charges against the Government, because it was not more vigorous in the execution of the laws—which blamed the Government because it had not carried on the law with sufficient vigour — and which complained that so few persons had been executed—that a greater number had not been tried; or that they had not been hanged after trial—he knew all this; but then he was bound to say in common fairness, that when a Government thought proper to exercise mercy to persons under prosecution, he was bound to admit until the contrary could be proved, that they were in the right, and that those who censured them were in the wrong. What would any man say of a meeting in Middlesex or Westminster, complaining that A, B, and C, had not been brought to trial, and that D had been tried and not been executed; and, when they had thus called for the blood of these men, they then declare that the Government should be responsible for all the outrages that might be committed in Surrey, Yorkshire, Kent, or other disturbed districts, and all this simply because the Government did not choose to hang all the men the meeting wished to see executed? He supposed that noble Lords were not so anxious to defend Colonel Prince, as to give up their own colleagues; but whether they did so or not, the law of the land determined otherwise. He, therefore, treated very lightly the statement of his noble Friend, and which was the foundation of his whole argument, that there was great discontent in Canada, because so few men had been executed—that they declared that if the Government did not hang more men than it thought fit to hang, that they would be obliged to have recourse to retributive justice, and take it into their own hands! Did his noble Friend—did any other noble Lord—defend such conduct? If the Government did not choose to hang a number such as would be sufficient to please the people in Toronto, then they gave notice to Government, they would take the law into their own hands—that is, into the hands of a mob—and thus act over again that which was the horror and the scorn of all—the Lynch-law of the most savage parts of America. It was, then, because the Government did not do this, that Colonel Prince took the law into his own hands, by shooting those men the moment they fell into his power, for that was the defence of Colonel Prince. [Lord *Ellenborough:* there was also the opinion of the Attorney-general of Canada.] Yes: but if the opinion of the Attorney-general had been given in the language which had been read, it was, he could only say, new to him. If it could be brought forward as so actually given, in the defence of Colonel Prince, it was no doubt an extenuation; but he could not have expected—he could not have foreseen—any such defence being in the possession of Colonel Prince. How could any lawyer ever dream of its being possible that any other man, calling himself, and exercising too, the office of Attorney-general, could give such an opinion. How any lawyer could have formed an opinion so inconceivable, so outrageous, he was wholly at a loss to imagine. He was, indeed, the more surprised when he heard some of their Lordships cheer that opinion. They were the highest court of judicature in the realm; in their hands was the administration of the criminal law; and they who were judges in the last resort; and yet he had heard half a dozen at least of their Lordships cheer an opinion, which was the grossest outrage on all law that had ever been put on paper, not merely by a lawyer, but by the most ignorant man that ever existed. It was bad from beginning to end—it was absurd and monstrous from the beginning to the end. It began by stating that which was the least outrageous proposition of all, but in proportion as it became more outrageous, the more was it cheered by their Lordships, who were the judges in the last resort of criminal law. It stated that a foreigner could not commit high treason. Colonel Prince, who had first been an attorney on the Oxford circuit, and had left it to go to America, must have known the absurdity of such an opinion. But what was the remedy which this opinion of the Attorney-general proposed—that as the foreigner could not be punished as a traitor, he might be treated as an outlaw! When before was it ever heard of a man being called an outlaw, until after due process of law and proclamation against him? But did a lawyer ever speak of a man being treated as an outlaw—that is, a man placed without the protection of the law—which was the sense in which the word was used by poetasters and romance-writers, and others not particular in the use of language, and therefore did not care for using it correctly—as they called a man "a felon," who had never committed a felony in his life—suppose a man were an outlaw, that did not entitle another to shoot him, as the vulgar notion appeared to be. What man that had ever read even Blackstone could fall into such an absurdity? Even if a man were really an outlaw, and after proper sentence pronounced to that effect, and he should himself put that man to death, he would be guilty of murder. But what said the Attorney-general of Canada? That a man could be treated as an outlaw, and then he drew the inference, that he could be shot on the spot as an outlaw. Such a proposition was absolutely groundless in point of law. But then his noble Friend had not read the answer of the Secretary of State to him, denying that it was the law. [Lord *Ellenborough:* it was not denied at all.] That was a very great oversight, and somewhat altered the case; for Colonel Prince might be at the same time a very good soldier and a very bad lawyer. [Lord *Ellenborough:* The opinion was sent on the 19th January, 1838.] He certainly must regret that such very bad law should have been permitted to pass unnoticed and uncensured; for, according to that, no man's life was safe. But he had now to call their Lordships' attention to his statement of this affair, and which gave a very different version of Colonel Prince's conduct from that which they had heard. It was given, too, by those who saw and knew what was the conduct of Colonel Prince.

Lord *Ellenborough* rose to order. He had to remark that the noble Marquess had refused to give all the evidence which had been stated before the Court of Inquiry. He apprehended that what his noble and learned Friend was about to read, was stated before the Court of Inquiry.

Lord *Brougham* was, he said, about to refer to the allegation of the 8th of December, 1838, made by Robert Mercer. It was signed by Colonel Mercer, who was in the habit of friendly intercourse with Colonel Prince, and who had no prejudice against Colonel Prince; on the contrary, the lieutenant of Colonel Prince was the son of Colonel Mercer, and he admitted, that he had always been treated with the greatest civility by Lieutenant Mercer, and never had one word to say against him. This Lieutenant Mercer took a different view of Colonel Prince's conduct than that which the gentleman himself entertained respecting it. First, then, as to the opinion of the people amongst whom Colonel Prince lived: he began by saying, "The Contemptible," for he was a gentleman who used strong language when he had his own defence to make: he said, "the contemptible and ungrateful people with whom I had the misfortune to be connected for five years;"—and this, too, is the same Colonel Prince's manner of answer to obligations from some of his quondam friends, who were disgusted at his outrageous conduct—"In answer to all my quondam friends, I treat their expressions and opinions with the utter contempt which their ignorance, ingratitude, and prejudice are deserving of." Colonel Prince would not take his verdict from his friends, the Mercers; he would not look for a verdict from his friends who were on the spot, and in whose neighbourhood he had lived for five years, and amongst whom he had been making a fortune—them he treated with contempt, and their opinions he disregarded; but he appealed to the verdict of the absent and the ignorant people of Toronto, who met to celebrate his achievements, because he had put to death several, when they were crying out for the death of many others. This was the verdict upon which Colonel Prince relied—while he rejected the verdict of those who were on the spot, and who were all witnesses of the fact. What, then, was the character of the witnesses who were against him? Up to this time no disrespectful words had been used; but as the using strong language in one party begets, if it does not justify, similar language on the other, he is therefore told by Mr. Mercer, "You are at perfect liberty to treat with contempt your quondam friends, as you may thus save them the trouble of doing the same by you." Now, who were they that made representations to Sir George Arthur upon this subject? The senior officer of militia, Colonel Elliott, Mr. Charles Elliott, Mr. Baber—and the representations were also signed by Mr. Arkin and Mr. Woods. Now, from whom should he ask a character of these men? Was it from Sir George Arthur, or from Colonel Airy? No; but it was from Colonel Prince himself, who stated that they were in the battle, and in his dispatch he said of them, "that they behaved with the greatest gallantry in the affair at Windsor." Their lordships had then their account of this matter; and there were the affidavits of four witnesses. It was said, that the affidavits of those witnesses were extra-judicial, and that being voluntarily made, they could not be prosecuted for perjury. That was not quite true, although the former profession of Colonel Prince might have led him to such a conclusion, for he believed that a voluntary affidavit, containing false allegations, was indictable. It proved, however, this—that taking it as a statement, it was made under all the solemnity and impression of an oath, and it was under that impression they made the horrible, revolting, and disgusting statement of the conduct of this individual. Colonel Prince had observed a prudent generality in his statement; he carefully took care not to specify the time, when the whole question hung upon the point of time—whether it was during or after the battle that the men were put to death; but still, after all, Colonel Prince had said enough to convict himself. He said, that the men were put to death—that he ordered them to be shot on the spot—either during the expectation of being attacked, or when they were marching to meet the enemy. Did the noble Duke opposite ever, in the anxious expectation of an attack from the foe, order four prisoners to be shot?—or did he, because he was marching up to meet the enemy, put those to death who had surrendered upon the faith of quarter being granted to them? And yet this was Colonel Prince's own account of the transaction! But the fact was, that the men were put to death after the attack was over. This was the fact, according to the statement on oath by four eye-witnesses; this, too, was the statement of thirteen persons, five of them being justices of the peace, and one of them a district judge; this, too, was the statement of Adjutant Cheeseman.

The Marquess of *Normanby* understood that the noble and learned Lord was about to make charges against Colonel Prince, which had been already submitted to a Court of Inquiry.

Lord *Brougham*. The Court of Inquiry admitted the charges.

The Marquess of *Normanby*. It negatived all the aggravating circumstances.

Lord *Brougham*. The Court of Inquiry had come to a very extraordinary decision. They had given a very bad judgment, and he did not mean to rely on it. He would quote Sir George Arthur's opinion. Sir George Arthur said, "As to the invidious colouring which characterises the details of the facts in the address, it is not in any way substantiated by the evidence." This said that the colouring was not supported by the evidence, but it did negative the facts. It left the substance and substratum of the charge untouched. [Lord *Wharncliffe*: Read the finding of the Court of Inquiry.] There was no finding, or at least the finding was not published. He would now read to them the statements of the officers to whom he had before referred. They had heard Colonel Prince's evidence in favour of himself; they had allowed him to tell his own story in the way he chose; his noble Friends near him had listened with great composure and exemplary patience to the most violent attacks upon themselves, and they must now hear the statement of these thirteen officers, five of whom were justices of the peace, on the other side. They had heard one man's story, but they did not seem disposed to hear the story against him; but he said, that they should hear it.

Lord *Ellenborough* said, that he had abstained from reading that part of Colonel Prince's statement relative to the affidavits of these thirteen officers, in which he affirmed their falsity.

Lord *Brougham*: Only false as to the aggravating circumstances. However, he would not read the affidavits, but the statements which had been made by those officers, and of which there had been no denial, but an affirmance by the sentence of the Court, and Colonel Arthur's judgment and reprimand. Their lordships should hear what grounds there were for the statement, that prisoners had been butchered in cold blood. These officers said, " Adjutant Cheeseman brought in a prisoner, who had been just taken, and surrendered him to Colonel Prince, and Colonel Prince immediately ordered him to be shot, which was done accordingly." The fact was not denied; and Colonel Prince himself, in his letter, said, " Just at the close, and immediately after the engagement, four men were brought in, all of whom I ordered to be shot on the spot, which was done accordingly." Colonel Prince had not been very judicious in his defence, for his accounts of the transaction given at different times did not quite agree. At the dinner he said, that it was " while he was in momentary expectation of an attack, and was marching to meet the enemy." Now, there was a very wide and marked distinction between the two cases. He (Lord Brougham) passed over a great deal of the statement of these officers. Three-fourths of it were occupied with complaints that Colonel Prince had not done his duty against the brigands. So little anxious were these thirteen persons to favour the party to which the prisoners belonged, they charged Colonel Prince with not having done his duty against the brigands. When they were retreating, Lieutenant Ranken offered, with fifty men, to attack them; but Colonel Prince would not budge from Sandwich, and while he was waiting for reinforcements the four men were shot. The document went on to say,—

" While we were waiting here for reinforcements, a prisoner was brought in wounded to Colonel Prince in the town, who was surrounded by several men in the most frequented part of the main street; and while the wretched man held up his hands, pleading in the most piteous manner for mercy, Colonel Prince ordered him to be shot. This happened after an officer, on hearing Colonel Prince, had told the unfortunate man to run for it, and said to the twelve men who were about to shoot him, 'You scoundrels, do you mean to murder your prisoner?' The wretched man did run for it, but he was shot on the spot by Colonel Prince's repeated orders. This took place in the presence of several ladies and children, whom the noise had brought to their doors."

This, by the way, did not look very like the expectation of a battle. As to the third case, they continued,—

" Another prisoner, also severely wounded, was brought in. Charles Elliot entreated Colonel Prince to reserve him to be dealt with according to the laws of the country, but Colonel Prince, using an oath, said he must be shot—and he was shot immediately."

As to the fourth case, it was this:—

" Colonel Prince had just reached Windsor, when he was informed that a wounded man was lying at William Johnson's house. The man was most miserably wounded, his leg having been shattered by a bullet. He was taken after the action to William Johnson's, and promised surgical aid for his wound. Colonel Prince was told when he arrived at Windsor, that there was a wounded man lying there who had been taken prisoner in the action. He ordered him to be shot, which was done accordingly."

The fifth case did not seem to have been adverted to—and he (Lord Brougham) much wondered at it—either by Sir George Arthur or the Court of Inquiry. It was this:—Captain Broderick had taken one of the brigands prisoner, a man who had sued to him for mercy. Now he (Lord Brougham) must here say, that he was the last person to say a word in favour of these brigands, or of their atrocious and desperate conduct in those inroads, which had been not only sordid in their object, and predatory in their character, but had been accompanied by every circumstance of aggravation and horror. It was enough to make the blood curdle in the veins to think of a frontier so ill protected against violations of the law by the American Government, whose duty it was to protect it, or they ceased to deserve the name of a government. It was shocking to think, that any honest man might meet with such a fate as that of Dr. Hume, who was put to death and mangled, with circumstances of cruelty too horrible to relate. He (Lord Brougham) agreed in every word that might be said in reprobation of the horror of such proceedings. But, however that might be, however guilty those persons might be of every species of enormity, those who put them to death without law or legal trial were guilty of neither more nor less than absolute murder. Captain Broderick, as he had said, had taken a prisoner, and when the man sued for mercy, had told him, "You have fallen into the hands of a British officer." Colonel Prince, however, having continued his march fourteen miles, fell in with the prisoner and ordered him to be shot, although Captain Broderick had given him quarter, and told him that he had fallen into the hands of a British officer, and therefore that his life was safe. Colonel Prince ordered this man to be shot, and it was instantly done. Did Colonel Prince express sorrow for these proceedings? On the contrary, in his letter he expresses

> "Deep regret that he did not shoot every scoundrel of them as fast as he was brought in. On the next occasion he would assuredly do so; nor should the solicitations of sympathizers on one side, nor of marauders on the other, nor the cowardly apprehensions, miscalled humanity, of others, drive him from his purpose."

This was Colonel Prince's resolution. What he designated as "the cowardly apprehensions, miscalled humanity," of some persons, was explained by a circumstance which he would mention. The Indians had taken seven prisoners, and one or two of them proposed that they should be shot; but one of their chiefs said, "No; we are Christian men, and can't shoot a captive." That was the Indian notion of Christian mercy and forbearance. These prisoners were then brought to Colonel Prince, an Englishman, an emigrant attorney to the New World, who, however, without very good grace, talked in the greatest contempt of broken-down adventurers—and who ordered them to be shot; but at that moment Captain Elliot and three others, one of whom was an English clergyman, interfered, and one of them used the expression, "For God's sake, don't let a white man murder those whom an Indian has spared." That was a very natural appeal to be made under the circumstances, and it had its effect; for the Colonel suspended his orders, but he at the same time expressed his disapprobation of the interference, and made them responsible for his not having shot the men—a responsibility which he had no doubt would not weigh very heavily upon them for the remainder of their lives; but the feeling of Colonel Prince on the matter was expressed in the letter which he had already read to their Lordships; for there could be no doubt that, when he talked of the cowardly apprehension, miscalled humanity, he referred to the interference which had been exercised on that occasion. The law on the subject was so well known that it could hardly be necessary to refer to it; indeed, he should have thought it wholly unnecessary but for the cheering that had taken place, which would almost induce one to believe that some of their Lordships had no better acquaintance with the law of the land than if they had been Attorney-generals for Canada. Suppose a man who had shot another was pointed out to him an hour after, and that he then put the murderer to death, he should himself be guilty of murder. Even if he saw a murder committed, and put the murderer to death, he should be guilty of murder, unless it was done in self-defence. Suppose even that he saw a man convicted after a trial by a jury of his peers and sentenced to die—nay, suppose him outside the prison door on his way to the place of execution, and that he should then destroy him—even in this case, and their Lordships would admit it was a strong one, he should be guilty of murder. This was the law. Now, what said Sir George Arthur? As to the facts of the case, there was no variance in the main between the statements he had read, and the admissions of Colonel Prince. Colonel Prince had avoided particulars as to time and place in his statements, but they were not inconsistent with the representation of the thirteen officers. Colonel Prince had seen those representations. He knew what the charges against him were, and by whom they were made. He knew the evidence against him, and that the witnesses were some of the most respectable parties in the province. He had, therefore, full opportunities to make the best defence that his conduct admitted of. After the evidence had been taken by the Court of Inquiry—evidence which he was sorry to hear could not be produced—and after the court had given its verdict, judgment was given by Sir George Arthur with the whole case before him. This document set forth, in the first place, that an inquiry had taken place, and that

> "The invidious colouring which characterises the details of the facts in the address signed by Colonel Elliott and others, was not in any way borne out by the evidence."

Sir George Arthur had dismissed Colonel Elliott for his conduct, but that certainly did not prove Colonel Prince not guilty; it was quite beside the question. In the document it was farther stated, that Governor Arthur

> "Most deeply regrets that, under circumstances of impending danger and highly excited feelings, Colonel Prince should have been induced to anticipate the result of legal proceedings, in directing summary execution of four of the captured criminals, while he exonerates him from the charge of wanton cruelty."

"Directing summary executions," indeed! He had put four cases, every one of which the English law calls murder; but, according to Colonel Arthur's account, he might in each of these cases have killed the man who had committed a murder, and the Governor's description of the offence would be an "anticipation of the result of legal proceedings," by directing the summary punishment of the individual. No doubt it was an anticipation of legal proceedings, but it was called murder by the law of England. It contained no recognition of this new crime, discovered by the mealy-mouthed Governor of Upper Canada. In Hawkins, Blackstone, or East, he knew of no chapter in the pleas of the Crown, "On the anticipation of the course of legal proceedings by summary execution." The offence to which this name was given was not, however, unknown to our law—it was called murder. What was the use of legal proceedings, if Colonel Prince, or any other, might (at his pleasure) anticipate them? What was the use of trying a man, if his guilt was pre-determined upon? If a man was brought to trial, he might be acquitted; but, notwithstanding that, Col. Prince called the prisoners whom he shot, brigands; they might, however, have been pronounced by a jury to be no brigands at all. His noble Friend had set up something of a defence, and it was the only injudicious thing his noble Friend had done. He had referred to a resolution of a popular meeting in Upper Canada, complaining that, though persons were tried and convicted, they were not hanged. But Colonel Prince, if he acted on this ground, that though the prisoners might be convicted, they would not be hanged, made no reference to it in his defence. He seemed to feel no defence necessary, and only regretted that he had not shot more of the brigands. These were the facts of this case, and he had felt it his bounden duty to call their Lordships' attention to them. He could not retract one single word which he had formerly used with respect to the case, for the more he examined it, the worse was his opinion of it. He was not surprised that Colonel Prince's friends should have given up his acquaintance. He was not astonished at the way in which he had been treated by the people of his neighbourhood, and by those *quondam* friends whom Colonel Prince said, he had the misfortune of living among for the last five years. They saw Colonel Prince's conduct, and felt abhorrence at it, with the opinions and feelings of British subjects in their bosoms, in which indignation boiled over, as it had done in him. The noble Marquess had stated, the other night, that the Government here sent over an expression of its disapprobation of the conduct of Colonel Prince. That was a gentle phrase. He disapproved of murder, certainly; but his disapproval was merged in his abhorrence of it, and he must apply a much stronger word of censure to the greatest crime known to be committed by man. It should always be considered, that either this anticipation should deserve no censure at all, or it amounted to an unauthorised killing of five persons, which he stigmatised as murder. Before he concluded, it was only fair that he should add that the only bright spot which he could perceive, in the whole case, was one which arose, he regretted to say it, from the blunder of the Law Officers of Canada, and the neglect of the Government here in not setting those blunders right. He thought that the opinion of the Attorney-general was calculated to mislead that person, and yet he could hardly consider that a person bred up in the law of this country should not at once have seen the absurdity of that opinion; but, as it came from high authority, and as it had been allowed to remain uncorrected, it was possible that Colonel Prince might have acted under its influence. However, though he wished to give Colonel Prince the benefit of that opinion, he could not withdraw his mind from the statement which Colonel Prince had made in his own defence, and in which he did not at all rely upon that opinion of the Attorney-general. He had now stated all the circumstances which had been urged in mitigation, and also the impression which those circumstances had made on his mind.

The Marquess of *Normanby* wished to state some facts connected with these transactions, which the noble Duke (Wellington) would probably like to hear before he made his observations. He was particularly anxious to make them after the allusion of the noble and learned Lord to the decorous silence which had been observed by the Members of the Government. He had thought it more convenient, that the noble Baron opposite should make the explanation which he had to offer, and that when he saw the terms of the motion he should give the best answer to the case brought forward. He must begin by stating, that he felt—and he believed, in common with all their Lordships—the deepest regret that this transaction had taken place. With every allowance that could be made in consequence of the gross exaggeration and great misstatements that had been made—which had been submitted to the Court of Inquiry, and had operated very widely to the prejudice of Colonel Prince—the circumstance was most deeply to be regretted. He was sorry, that the noble and learned Lord in the course of his statement had gone into these misrepresentations, as if they had never met with contradiction. He felt it necessary to resist the motion of the noble and learned Lord on two grounds. In the first place, it was perfectly unusual, that the proceedings of a military court, whether a court of inquiry or a court martial, should be called for by Parliament. The Government, too, had as yet received only imperfect information of those proceedings. He had received a part of the evidence, but not the whole. That part of the evidence allowed him an opportunity, which perhaps was not perfectly regular; but after the House had heard the noble and learned Lord on the subject, he felt he should not be doing justice to Colonel Prince if, having in his possession a *précis* of the evidence of the thirteen gentlemen whose names were attached to the document which had been referred to, he did not state that their evidence did not in any respect support what had been alleged. With respect to the fifth case, to which the noble and learned Lord had alluded—that of the prisoner taken by Captain Broderick—there was a distinct disavowal on the part of all the gentlemen of having any knowledge of this case. Every one of the witnesses, on being asked, said, that of the prisoner No. 5 he knew nothing. It was obvious what the impression created on the minds of the Court of Inquiry and of Governor Arthur was, for otherwise he would not have alluded, as he frequently did, to the number of prisoners as four. With respect to one of those witnesses (Colonel Elliott) he so little shared in the feelings of the noble and learned Lord relative to this transaction, that he took the chair at a public meeting of the county of Essex, in the neighbourhood where these things had taken place, at which a resolution was passed approving of the principles of Colonel Prince's proceedings, and wishing that they might come into general operation [Lord *Brougham:* The approval was limited]. The resolution was one of approval, and Colonel Elliott had been certainly in the chair. It happened after the transactions had taken place, and Colonel Elliott must have attended the meeting to approve of the principles of Colonel Prince's proceedings. Sir George Arthur, in a communication to him had alluded to the private misunderstandings which led to the allegations, on the part of some of the individuals, against Colonel Prince, who had previously never taken any part in opposition to his proceedings. He could not think it necessary for him to refer to what had been touched upon by the noble Baron opposite; but he could not but think, that some mitigation of the conduct of Colonel Prince was to be found in the atrocious cruelties committed on the same morning by a merciless banditti, whose object was plunder to be obtained by the sacrifice of human life. It was impossible, that the fate of Assistant-surgeon Hume should not have created a deep impression on the minds of Colonel Prince and of those under his command, and over whom he could have had but an imperfect control. A great deal depended upon the actual period at which the facts occurred, and he would state strictly as he believed the order in which, and the time when, they really occurred. On the 4th of December in the morning, Colonel

Prince being in his house, about half a mile from the town of Sandwich, was roused by an alarm that the town of Windsor, between two and three miles distant, was in the hands of brigands. The number was variously reported, but all agreed that it was very considerable. Colonel Prince collected, he believed, not more than 150 men at the first intelligence, and started for Windsor, believing it to be in the possession of the brigands. He found a considerable body of them posted in the neighbourhood, from which they were driven towards the woods, Colonel Prince following them all the way. On his arrival at the border of the woods intelligence was brought to him that Sandwich, the place he had left in the morning, was in possession of a considerable body of these marauders. Colonel Prince upon this determined to march at once to Sandwich, and retreated, as he said, from Windsor in double quick time. He did not know whether, after attacking the brigands at Windsor, he might not have to sustain an attack from those whom he imagined were at Sandwich. In this way he (the Marquess of Normanby) thought that Colonel Prince's report to Colonel Airy might be reconciled with his speech at the dinner. On one occasion he said the four prisoners were brought in "immediately at the close of the engagement." This was the engagement at Windsor; and on the second occasion he said it was during the anxious period in which he was expecting an attack of the enemy. This was the attack from those whom he believed to be at Sandwich. There was no doubt, that Colonel Prince at the time must have laboured under considerable anxiety. He did not know whether there was any place left to which he could retreat, or whether Sandwich (in which his ammunition and stores were deposited) was in the hands of the marauders. Considering not only these circumstances, but the general unhappy state of excitement caused by the atrocious inroads of those merciless ruffians, by whom all feelings of humanity were disregarded, and all comforts of home and feelings of security destroyed, it was less surprising, though not less deeply to be deplored, that Colonel Prince should have taken such means of punishment. It was his (the Marquess of Normanby's) duty to take every means in his power to prevent the recurrence of such proceedings, and to convince the parties exposed to these inroads, that, besides the guilt of such retaliation, it must utterly destroy public sympathy with their sufferings. With respect to the opinion of the Attorney-general of Canada he could hardly speak, as it had not occurred during his period of office. He believed the opinion had been given in consequence of a doubt expressed as to whether these persons could be tried as traitors. In the opinion of the Attorney-general they could not. But no time had been lost in correcting this mistake; and in consequence many of those men had been tried for treason. With reference to this transaction, when he (Lord Normanby) came into his present office, he found a dispatch of his noble Friend, stating, that he would suspend his opinion till Governor Arthur had made further inquiries. On looking further, he found, that in March the noble Lord had written again to Governor Arthur for information. A few days after this a despatch arrived from Governor Arthur informing him of the Court of Inquiry. He (Lord Normanby) wrote a reply, approving of the Court of Inquiry. He had not yet got an answer, but he had the proceedings and the finding of the Court of Inquiry, and also part of the evidence, showing, that thirteen gentlemen did not in any respect support the allegations which had been made in the first instance. With reference to the motion for papers, he should not have the slightest objection to grant them; but unless the House had the proceedings throughout, it would be useless to call for the proceedings of the Court of Inquiry. With respect to the correspondence, he should have a strong objection to produce it, because he thought it would not be fair to Sir G. Arthur. He had done everything in his power to strengthen the hands of Sir G. Arthur, and he believed that the discretionary power which had been conferred upon him had been exercised with a sound judgment and with beneficial effect. He had no doubt that Sir George Arthur was fully aware of the responsibility of his situation, and that being so, he would endeavour to discharge the arduous duties connected with it with justice, firmness, and mercy. From all the communications he had had with Sir G. Arthur, he felt assured, that the embarrassments under which he necessarily laboured would be very much increased by the production of any further correspondence; and he was glad of the present opportunity publicly to state his determination, while he had that confidence in Sir G. Arthur, to continue to extend to him the difficult discretion with which he was invested; for by so acting he felt convinced, that he would be not only doing justice to the individual, but doing what would be most beneficial for the public service.

The Duke of *Wellington* had readily given way to the noble Marquess, and he was very glad he had done so. His object in addressing their Lordships at all, was to remind them of the situation in which the House stood respecting this question, and to point out what he thought it requisite they should well consider, namely, that they were not exactly proceeding in the usual course of justice in discussing a question of this kind, at this particular stage of the proceedings. The noble and learned Lord having heard of this transaction, came down to the House the day before yesterday, and pronounced a very strong, a very hostile opinion on it, though not stronger than it deserved. His noble Friend near him had considered it his duty to make known to their Lordships some circumstances which had come to his knowledge from having perused the papers on the subject. The noble Secretary for the Colonies had said that the Government had stated their disapprobation of the proceedings. This was the position in which the question stood on Tuesday. Their Lordships had now this case; they had gone into the consideration of the whole of the circumstances on both sides—circumstances which occurred six months ago, and which involved the commission, the honour, perhaps the life, of an individual employed in the service of the country, and also the conduct and character of the Governor of Upper Canada. Of that functionary's conduct the noble Marquess had justly pronounced his approbation. Their Lordships had left out of the question altogether that which he supposed no man could well have a doubt about; namely, that if Colonel Prince had misconducted himself as a military man—and that was his character in this transaction—there was another person concerned in this matter; namely, his gallant Friend, Sir John Colborne, whose duty it would have been to have brought Colonel Prince to a court-martial, and to have punished him according to the finding of that court. Besides, the gallant Colonel was liable to be tried for his life before the ordinary tribunals of the country. Having all this before the House, and in the minds of their Lordships, they had now come six months after the transaction to the discussion in that House of all the details, and expected that justice would be administered, whether in a civil or military tribunal after such a discussion. He never heard of such a discussion taking place in that House of Parliament in reference to any one liable to such charges until after the trial was over, the evidence heard, the sentence pronounced, and the House was thus rendered competent to express an unbiassed opinion upon it. Under these circumstances he could not help feeling that their Lordships were not in a situation to discuss this matter. His noble Friend who sat near him had described to their Lordships the nature of the war carried on in this province, and he would not enter upon the question at any length, after the opinion which had been stated by the noble and learned Lord opposite. He had no wish to weaken an opinion so pronounced, than which nothing could be stronger. The noble Secretary for the Colonies had also stated that he concurred in that opinion. He (the Duke of Wellington) had already drawn attention to this subject on the legitimate occasion, on voting an address to her Majesty. He had then stated the probability—nay, the certainty, that we should at last come in that country to a system of retaliation, and that if the thing were not stopped, a state of warfare would arise more barbarous than any ever known; which not only could not be equalled in the present times, but which he believed had never been paralleled in history. He could now tell their Lordships what he knew to be a fact, that such a system of warfare was actually going on there; and his opinion was, that it would be a deep disgrace to the country to continue to endure it. If her Majesty had not the power to assert her rights, to protect her loyal subjects on that frontier, we ought to abandon the province, and withdraw at once from the country. He was aware that some persons in this country wished us to abandon the province for other reasons. In those reasons he did not at all concur; his opinion was, that it was most desirable to retain this colony. His conviction was, that our honour required that we should maintain it. Measures having been taken by other nations to deprive us of these colonies, our honour imperatively demanded that our utmost energies should be exerted to preserve them. But he must say this, that if we did not grant protection to the lives and property of the Queen's loyal subjects in these provinces, if Parliament would not vote the forces necessary to give that protection on the frontiers—we ought to abandon them altogether, and thus put an end to the system of warfare now carried on. It was a war full of the greatest horror, misery, and outrage. At this moment, our guards and picquets were necessarily kept on the whole line of frontier, from one end of the country to the other. If by any accident we were obliged to withdraw our troops from one part of the line, the persons very appropriately designated brigands came over in sledges or some other description of carriage, crossed the country, and the houses of the inhabitants everywhere in that particular direction were destroyed, life taken, and property plundered. All along this frontier there was a perpetual fire kept up from the side of the United States, across the imaginary line, upon our guards, our picquets, and even on the single sentinels posted along the line. In war, every means was justifiable on both sides to get the better of the enemy; but, certainly, he had never before, in the whole course of his experience, heard of such a thing as firing on single sentries, not to say guards or picquets. Yet this species of warfare was going on at present in this province. There had lately been a message brought down with respect to uniting this province with the other province; but had we possession? Was there a single spot of ground, except that on which the troops stood, on which her Majesty's authority could be enforced? When first these events occurred, he (the Duke of Wellington) recommended the Government to provide a sufficient force; he told them, that there ought to be no such thing for a great country like this as a little war. He recommended that a large army and a large fleet should be assembled on the Saint Lawrence at the opening of the season 1838. These recommendations were not acted upon. They were not adopted, and the House had nothing to do, but to look at a little distance from us to see the reason why these recommendations were not adopted. What had been the consequence? That Government had been under the necessity of employing in its service the inhabitants of the country, the militia, the various local corps, instead of having bodies of regular disciplined troops commanded by officers who knew their duty and how to perform it. It was owing to this, that these unhappy events had occurred—events which no one man more deplored than he himself—and the guilty persons engaged in which he was most desirous to see punished. It was most unfortunate that it should have been found necessary to make use of what he could but call an inferior description of troops. Horrors such as tho e which had been witnessed could hardly be prevented, except with regular troops carrying on their operations under the command of officers of character, conduct, and experience. This was the only remedy for such evils as those, which must invariably prevail, more or less, wherever irregular acts of revenge were carried on by bodies of men acting on principles of civil war. He had in his experience more than once had the offer of men of this description, but he had always sent them away, preferring rather to have a limited body of troops than to have with him troops of this description, who would not obey the orders they received. His opinion was, that unless a sufficient army was provided, we must in the end, abandon the country. Volunteers and that description of troops would always carry on war after the manner of civil war, and the same consequences would always ensue. It was impossible that the war could continue to be carried on as it had hitherto been conducted, without the same results.

Lord *Glenelg* said, that a large augmentation had already taken place of the force in Canada; it was not necessary to specify the exact amount, but at this moment a very large force was stationed in Upper Canada, and he would venture, with respect to put it to the noble Duke, whether he thought a still further augmentation should take place, and whether it would be possible so to augment the regular forces stationed there, as to depend entirely upon them for the defence of the colony. He wished to advert to the observation which had been made as to his not having in his answer to a despatch, alluded to the opinion of the Attorney-general of Canada. He could not but remind the House of what had been stated by his noble and learned Friend—namely, that Colonel Prince had not rested his defence upon that opinion of the Attorney-general, but upon the emergency of the occasion. According to the

Attorney-general's opinion, it was impossible to bring the culprits to trial as traitors, because they were foreigners, but he thought they might be tried as outlaws. In his (Lord Glenelg's) answer to the despatch, he said, that he had already written so fully respecting the matters to which it related, that his approval only was necessary. The fact was, that that was by no means, the first time that the point adverted to in the opinion of the Attorney-general for Canada had been brought under the consideration of the Government. On the contrary, it had long been a question under discussion, and the opinion which the Attorney-general for Canada had formed was not confined to the law officers of the Crown, but was also held by individuals occupying high judicial situations in the colony. That opinion had for some time been before the Government, and had been submitted to the consideration of the law officers of the Crown in this country. A series of correspondence had taken place conveying the result of this consideration and contesting the validity of the opinion of the colonial authorities. The discussion continued for some months, and when he alluded in his answer to the despatch to what he had already written respecting the matters to which it referred, no one could doubt, that he meant the discussion between the law authorities of the colony and those of this country, who differed, and the latter of whom were supported by the opinion of the Government. It could not, therefore, be said, that the authorities in the colony were not aware of the opinion of the Government upon the subject, for the opinion had been in the strongest manner already communicated to them.

Lord *Brougham* rejoiced at having originated this discussion, if for no other reason, because it had been the means of drawing from the noble Duke opposite the solemn opinion which he had that night given upon the detestable warfare now raging upon the American frontier. He (Lord Brougham) felt quite sure, that the great name of the noble Duke, as well as the strong and powerful reasoning by which he had supported his opinion, would not be without their effect in America, but would eventually induce the Government of that country to arouse itself, and call upon its citizens to put an end to a system, which if they had not the power to repress, they could hardly be called a civilized community. There was no one who was more desirous than he of the prosperity of America, but he was anxious that the people of that country should see, that no difference, whatever, of opinion existed here, as to the proceedings now taking place upon the American frontier; all, including those who were the strongest advocates of the just claims of America, were entirely agreed upon this subject.

Motion agreed to.

HOUSE OF COMMONS,

Thursday, May 30, 1839.

MINUTES.] Bills. Read a first time:—Electors Removal.—Read a second time:—Custody of Infants.

Petitions presented. By Sir Robert Peel, Messrs. Wallace, Brotherton, and a great many other hon. Members, from an immense number of places, in favour of a Uniform Penny Postage.—By Messrs. Freshfield, Hodges, Greene, Packe, Hogg, Colquhoun, Palmer, Baines, Brocklehurst, Pease, Brotherton, W. E. Gladstone, Pakington, C. Wood, Chapman, Broadley, Christopher, Turner, Heathcote, Lords Stanley, G. Somerset, Lennox, and Darlington, Sirs C. Styles, C. Lemon, C. Knightley, R. Peel, C. Burrell, G. Strickland, T. D. Acland, R. Inglis, E. Wilmot, Sergeant Jackson, Captain Wood, Colonel Sibthorpe, from an immense number of places, against any plan of National Education not founded on the Principles of the Established Church.

SCOTLAND.—PRINTING THE BIBLE.] Sir *James Graham:* The patent of the King's printer of the Holy Scriptures in Scotland would expire on the 17th of July. That patent was the sole security for preserving an authentic version of the Scriptures; and as it was not, he understood, the intention of her Majesty's Ministers to renew the patent which was about to expire, the question which he wished to ask was, whether it was the intention of the Government to take any, and if any, what steps, to prevent interpolations, either through ignorance or design?

Lord *J. Russell:* Her Majesty's Ministers did not intend to renew the patent for the exclusive monopoly of any individual or corporation; and by that course they would be enabled to circulate the Scriptures at the cheapest price. But at the same time that every possible freedom of circulation was secured for them, the Government were resolved to preserve the text of the Scriptures from corruption or interpolation, by means which he should take care to explain to the House on a future day, when the question came on for discussion.

Sir *J. Graham* said, the patent would

expire on the 17th July, and with it the existing security; and he hoped that the measure would be introduced as speedily as possible.

Jamaica—Second Measure.] Mr. *Labouchere* rose, pursuant to notice, to move for leave to bring in a bill to provide for the enactment of certain laws in Jamaica, consequent upon the abolition of slavery in that island. He had already stated to the House that this bill was introduced as a substitute for the other measure relating to the affairs of that colony which he had had the honour to propose at an earlier period of the Session. He wished—he most sincerely wished—he could state, that he entertained any different opinion of the justice, of the expediency, or of the necessity of passing a measure similar to that which he had previously introduced. Unhappily he was bound to state that after greater reflection, more mature consideration, and more abundant information, he did not withdraw the former measure in consequence of any alteration of the opinions he had previously expressed. If he had done so, he hoped he should not be backward in making the admission; but standing in the position he did, however unworthily representing the Colonial Department in that House, he could not but express his deep regret, that the bill he first introduced did not receive such a measure of support, as could leave any chance of its becoming the law of the land, in such a manner as to be brought into operation in Jamaica with any prospect of attaining useful ends. When he saw that the great party which was ranged opposite had made up their minds in one unbroken phalanx to oppose the bill, he confessed that from that moment he lost much of the anxiety he had previously entertained, because he could not but feel that a measure of this kind, suspending the constitution of a British colony, not only could not pass the Legislature and become a law for any good effect; nay, he would go further and say, it could not have any effect at all even if it were to become a law—if it were to go out to the colony only upon the authority of a small majority of that House. He did not say this with any intention of bringing a charge against the hon. Gentlemen opposite for the course they had thought proper to pursue. But at the same time he was bound to mention it, because he felt, that in discussing this and other colonial topics, if the House were to be guided merely by party feelings, if it were to decide, not upon the merits of the case, so much as upon the effect which the decision might have upon the relative position of parties in that House, no measure could ever be beneficial. He thought he had acquitted himself of all intention of wishing to implicate hon. Gentlemen opposite, by stating that he did not intend to bring any charge of that kind against them; but he thought it his duty to point out to the House the great misfortune of considering these questions in a party spirit. He felt the evil most deeply, and he thought it the more necessary to press it upon the attention of the House, because the colonial affairs of the country were at the present moment in a state of great difficulty. For that reason, if the House had not enough of real public spirit to free its mind from party bias in approaching the consideration of these questions, he felt bound to say, that in his belief the colonial affairs of the country would be placed in circumstances of the utmost peril, in consequence of the general feeling of disgust which would arise in the minds of the colonists, when they found their dearest interests determined upon, not by their real merits, but by the caprice or obstinacy of this or that party. When he said this, he confessed he had fresh in his recollection the events which took place in Canada last year—events which must also be equally fresh in the recollection of the House. In consequence of the proceedings in the British Parliament, an impression obtained ground in the Canadas that circumstances and events of the greatest importance to the welfare and well-being of those provinces were determined upon only by the influence of party feelings in England. Hence the indignation awakened in that part of our possessions was such as to produce a degree of excitement which became highly dangerous. He stated this, not with the view of introducing party politics, but for the purpose of pointing out to the House the very great importance of divesting its mind of those party contentions and party feelings which too frequently disfigured its debates and marred its legislation. The measure which he should now feel it his duty to propose to the House was, he need hardly say, founded upon a very different principle from that which he had previously introduced; because, after the former decision of the House, the Government could not hope to carry any measure based upon the same principle. The bill he now sought leave to introduce was founded upon the principle of affording means to the Government of calling together again the Legislature of Jamaica—of giving to the House of Assembly of that island that which was called by the right hon. Baronet (Sir Robert Peel) a *locus penitentiæ*. He could not pretend that he had any very sanguine expectation that the House of Assembly would avail itself of that opportunity; but as a course of this kind was now proposed by the Government, he should certainly take care to use no irritating expressions towards the House of Assembly which might have the effect of marring any disposition they might entertain to alter the course they had previously determined to act upon. And he would also say on the part of the Government, and especially on the part of the Marquess of Normanby, who presided over the Colonial Department; he would pledge himself to the House that if it should accede to the proposal now made—if it should furnish the Government with the means of providing for the good Government of Jamaica, which were contemplated in the bill—in every communication between the Colonial-office and the House of Assembly a most sincere desire would actuate his noble Friend and those who acted with him to give the House of Assembly a fair and *boná fide* trial—to urge upon that body the adoption of those measures only which should be deemed absolutely essential, and to leave to it, if possible, the task of carrying those measures into operation. This was the principle of the scheme he now proposed to introduce—that an opportunity should be given of calling together the House of Assembly of Jamaica, and of asking them to re-consider the determination they had come to of not transacting the business of the colony. It might be said, that the introduction of a bill was not necessary for that purpose. It was, however, very generally allowed by those Gentlemen who most opposed the principle of suspending the constitution, that it was the duty of the Imperial Parliament to provide for the contingency, more or less probable, of the House of Assembly persisting in the resolution it had three times adopted, of abrogating its legislative functions. The bill which he proposed that night to lay upon the table of the House explained the means by which the Government sought to provide for that contingency. He thought he could not do better, in order to state what were the measures of the most pressing necessity, and the greatest importance to the present welfare of the colony, than read an extract from a resolution of the House of Assembly itself, in which it expresses its regret that it felt itself bound to suspend its legislative functions, and describes the measures to which, if the necessity of suspending its legislative functions had not arisen, it should have felt itself bound to direct its earliest attention. The House of Assembly on the 8th of November, 1838, in answer to a speech of the Governor, said—

> 'We feel in common with your Excellency the emergency in which the country may be placed by the expiration of the annual laws; and we are also well aware of the necessity which in our present state of society exists, that laws for the protection of vagrancy, for regulating the relative rights and duties of masters and servants, for determining the qualification of electors, for the regulation of the militia, and for preventing the unauthorised occupation of land, should be enacted."

The subsequent House of Assembly, in reply to the speech of the Governor on the 24th of December, 1838, said—

> "We beg sincerely to assure your Excellency that in deciding upon this course, we have done so with extreme reluctance. We are more than sensible of the many existing evils which loudly call for laws to remedy them."

He could multiply such proofs of the necessity which existed for immediate legislature upon the internal affairs of the colony. He could prove it in a thousand ways from the admissions of the colonists themselves; but the necessity was, in fact, so fully explained and so fully admitted in the former debate upon this question, that he did not feel it necessary again to trouble the House by going into detail upon that point. The first part of the bill he now proposed, referred to those annual laws in Jamaica which had expired in consequence of the House of Assembly refusing to transact business. These were seventeen in number. It was not very easy to judge of the relative importance of each one of them. But at the same time it was only necessary to pass the eye over the list to see that the House of Assembly was perfectly justified in saying that the suspension or expiration of those laws must necessarily be attended with great inconvenience, great mischief, and, he might add, great danger to the colony. He found amongst them the Commissioners of Public Buildings Act, the Insolvent Debtors Relief Act, the expiration of which would consign many persons to prison, without the possibility of relief; the Process Act, and several others, the expiration of which would retard the course of justice, and be productive of much hardship to individuals. Money bills excepted, perhaps the most important and necessary act for the welfare of the colony was the Police Act. Without that act the authority of the magistrates would be paralyzed, and the security of the laws be taken away. It was true, that in the particular case of the Police Act, the Governor, under an authority which had been given him, had been enabled to take some temporary measure partially to alleviate the evils which must otherwise have arisen. But he thought every one must allow, that it was not a fit state of things in the present state of Jamaica, that the ancient constitutional mode of maintaining the peace of the colony should be abandoned, and a system wholly unconstitutional be introduced instead. It was natural to suppose that such a state of things would produce in the minds of the colonists, and of the negro population especially, a very unfortunate effect. He would select one letter from amongst many which had been placed in his hands, to show how prejudicially the unfortunate suspension of local legislation, and especially the suspension of the Police Act, had operated upon the negro population. Reluctant as he was to trouble the House by a reference to documents, the evils he was anxious to explain were so forcibly pointed out in this letter, that he could not abstain from reading one short extract. It was an extract of a letter from Mr. John Oldham, dated St. Mary's, Jamaica, March 23, 1839, and addressed to Charles Long, Esq.

"During the three weeks I have been in this island (Mr. Oldham had been absent on a visit to this country), I have been endeavouring to gain all the information I can from the several parishes as to the state of things, and I do assure you it is truly deplorable, and will continue so until the business is settled, as to whether we are to have a House of Assembly to make laws, or have them made for us by the Imperial Parliament. Our annual law expired on the 31st of December last; consequently the police are discharged. The negroes are under the impression that the Queen dispensed with their services to prevent the proprietors calling in their assistance to compel them to pay rent for their houses and provision grounds."

He stated this to show what must be the effect upon a population recently emancipated of exhibiting to them the whole structure of society suddenly altered and disordered, and the authorities at the same time stripped of all the support and assistance which they were usually accustomed to receive. He stated it also to prove how little warrantable it was, to argue that these laws were of little importance, and that it would be safe to leave them to take their chance. Another of these expired laws involved a matter of great importance; but, as he had already observed, it was extremely difficult in this country to know what was the importance of each law in the colony. One thing at least was certain, that both the House of Assembly itself and the Governor completely concurred in saying, that a state of the greatest mischief and confusion to the public would ensue, if these laws were not renewed. Now, the course which it was intended by the present bill to pursue with regard to these expired laws was this—to give in the first place ample time to the House of Assembly to make up their minds whether they would or would not renew these laws; but in case of their refusal, after the lapse of sufficient time, then to authorise the Governor in council to revise such of those expired laws, as to the Governor in council might appear essential to the welfare and good government of the colony. But he confessed he thought the Imperial Parliament would hardly discharge its duty if it stopped there. He thought it must be obvious to every one who had paid any attention to the papers which had been laid upon the table, or who was in any way acquainted with the affairs of Jamaica, that there were some points of legislation of such importance at the present moment—some local measures, so essential to the success of the great experiment in which the nation was now engaged—some new enactments, so absolutely necessary to protect the various interests of the colony during the transition of the negro population from slavery to a state of free labour—some laws, so necessary to secure the complete success of that great experiment, which, he might say, was now trembling in the balance—that the Imperial Parliament would hardly discharge its duty either to the people of Great Britain, who had made so generous a sacrifice, or to the colony itself, if it were not to provide for the contingency of the House of Assembly still refusing to transact business, and to leave the whole of this very important subject entirely undisposed of for the period of another year. For the House must recollect, that unless Parliament should be expressly called together for the purpose in the autumn, the colony, in case of the continued obstinacy of the House of Assembly, would be left entirely without those necessary laws for the space of full twelve months. It had been the object of the Government, in considering this part of the question, to interpose the authority of the Imperial Parliament upon as few points as possible. Upon this branch of the subject, or upon the former, the most ample opportunity would be afforded to the House of Assembly to pass new laws where they were required, and to renew old ones when the circumstances of the case rendered a renewal necessary. And Government would heartily rejoice if the House of Assembly should legislate upon all these topics in such a manner as to relieve the Imperial Parliament from the painful necessity of interfering upon subjects which, in all ordinary times, and under all ordinary circumstances, belonged entirely to the local legislature of the colony. The whole principle of the bill went upon the foundation—that upon this branch of the subject, as upon the other, the whole of the legislation proposed to the Imperial Parliament should be nothing more than contingent legislation. Every opportunity would be given to the House of Assembly to enact all the necessary laws before the present bill came into operation, and he for one should most heartily rejoice if the proceedings of the House of Assembly should prevent its ever coming into operation at all. He thought this perfectly consistent with the language he used, and the course of argument he pursued on the former occasion, when this subject was under the consideration of the House. He then stated that the Imperial Legislature must take one of two courses. It must either express the total distrust (which he had felt it his duty to express) that the House of Assembly would resume its legislative functions, or else it must treat with that body as with persons who were willing to deal fairly and candidly. He, for one, was disposed to give the House of Assembly fair play; but in his desire to give them fair play, he was anxious to take care that the Imperial Parliament should not abandon its paramount duty, namely, of affording protection to that great mass of the colonial population which was at present totally unrepresented in the House of Assembly. He would now proceed to state to the House the course he proposed to pursue with regard to two or three topics of pressing importance. There were doubtless several others which urgently demanded legislation in Jamaica; but he would confine his observations for the present to those only which were of the most immediate importance. It stood to reason that the laws which applied to the former state of society in the colony could not be made applicable to the altered state of society without a most thorough and searching revision. But he by no means proposed to the House to embark in so great a scheme as that of revising the whole of these laws. He for one had always a great distrust in distant legislation. He had always felt, that although undertaken with the best motives, it was more likely to frustrate the views of those who were really acquainted with the wants of a colony than to effect any permanent good. He was, therefore, anxious to limit the experiment in the present instance to the smallest possible extent, and to apply it only to certain cases in which they had some partial experience. But there were three great subjects which he thought every Gentleman who had paid any attention to West-Indian affairs would allow to be of paramount importance in the present condition of Jamaica. He meant, first, the law relating to vagrancy; secondly, the law relating to contracts for labour; and, thirdly, the law relating to the unauthorised occupation of land. Upon these three subjects orders in council were sent out to the West-India colonies some time ago. Those orders had been in operation in the Crown Colonies for at least five months, and from no one of those colonies had the slightest complaint been received as to the manner in which the orders had worked, nor was there the least reason to believe that they had not been found thoroughly to answer the purposes for which they were intended.

If, therefore, it were safe to pass laws for colonies at a distance from the mother country, he thought that these orders appeared to afford safe and secure grounds for such legislation. At any rate, of this he was quite sure, that laws founded upon those orders would be infinitely better adapted to the altered state of things in the island of Jamaica than were those intolerant statutes that existed there at the present moment. It would be his duty to read portions of those statutes to the House, and he doubted not, that when hon. Members heard that any of her Majesty's subjects were living under laws of such a description, they would agree with him in opinion, that the British House of Commons would be indeed wanting in its duty, and failing in the pledge they had given to the people of England, if they did not immediately take effectual means that such a state of things should no longer continue in Jamaica. The first subject to which he would call the attention of the House was that of vagrancy. This was the manner in which Sir Lionel Smith spoke of the present Jamaica law, in his despatch, dated the 10th September, 1838:—

"I quite dread the consequences. From the attachment of the people to their old locations, they must be reduced to the employer's own terms of wages, or be driven off the properties as vagrants. Then, I beseech your Lordship to look to the provisions of the Local Vagrant Act, unrepealed, 35 Car. 2nd, c. 2. This Act was introduced against the lawless soldiery of Governor D'Oyley; and many violent planters are now rejoicing in the power it gives of flogging free men from parish to parish; and there is an improvement in its penal powers by the 32 Geo. 3rd. c. 11, still unrepealed, which adds six months' hard labour in the House of Correction. Your Lordship may bid me apply to the Legislature to repeal these frightful laws; but I should apply in vain: and in the midst of freedom we have still terrific engines of oppression and tyranny preparing for the emancipated population."

He would now read an extract or two from the law itself, to which he hoped the House would have the goodness to listen, as being now in actual operation in the British Colonies:—

"And be it further enacted, that all rogues, vagabonds, or other idle persons that shall be found wandering from place to place, or otherwise mis-ordering themselves, shall be apprehended by the constables or tythingmen of each respective parish within this island, and to carry him or her so apprehended, before some one justice of the peace of that precinct; and if, upon examination, it appear that the apprehended be persons fit and able to work, and do refuse so to do, but wander about as aforesaid, then the said justice shall order him or her to be whipped on the naked back, not exceeding thirty-nine lashes in the whole, by the said constable or tythingman, and shall be forthwith sent from parish to parish by the constables or tythingmen of the same, the next straight way to the parish where he or she dwelt for one whole year then last past."

He would also read another clause:—

"Be it enacted, that all white persons and free negroes and mulattoes, able in body, who, not having wherewith otherwise to maintain themselves, use loitering, and refuse to work for the usual and common wages, and all other idle white persons, free negroes, and free mulattoes wandering abroad and begging, (except soldiers, &c. &c.), shall be deemed rogues and vagabonds. And be it further enacted, that if any person, by this act declared to be a rogue and vagabond, shall be found in any parish or place to be wandering or begging, or mis-ordering him or herself, it shall and may be lawful for the constable of such parish, or any other person there dwelling, to apprehend the person so deemed a rogue or vagabond, and to convey, or cause to be conveyed, him or them to some justice of the peace in the parish, or in the neighbourhood of such parish or place."

The fifth clause says:—

"It may and shall be lawful for such justice, and he is hereby required to inform himself, as well by the oath and examination of the person or persons apprehended as of any other persons (which oath or oaths the said justice is hereby authorised to administer), or by any other ways or means he shall think proper, of condition, circumstances, and way of life of the person or persons so apprehended. And if the person comes within the description in this act of a rogue or vagabond, the justice shall send him, her or them, to the parish workhouse, there to be set to work, for any time not exceeding six months for any one offence."

Then came a clause to which he wished to call the particular attention of the House. It was the sixth.

"And be it further enacted, that all white persons committed or sent to the said public workhouse, shall be fed, lodged, and worked separate and apart from the free negroes, mulattoes, and slaves in the said workhouse."

He was quite sure that it would be felt by hon. Gentlemen on both sides of the House that it was utterly unfit and unwise that a law of this kind should remain in existence in the island of Jamaica. He would now proceed to the second subject to which he had referred—a subject of the utmost importance to the success of the great measure of emancipation which was now going on in the colonies—he meant the law with regard to "contracts for labour." It must be obvious to every Gentleman, that the successful cultivation of the sugar plantations mainly depended on the negro labourer being induced to enter into a contract on such fair terms as should secure to the planter the continuance of his services. If that were not done, every man who understood the nature of the negro character, would at once perceive that sugar cultivation could not, in the long run, be rendered a productive or profitable speculation, and that that great source of employment for British capital would be ultimately dried up, equally to the disadvantage of the planter and to the negro population. There was not, therefore, in his opinion, an object of more pressing importance than that of obtaining for the planters of Jamaica a good and efficient law of contract for labour. He would read a few extracts in order to show what was the present law upon the subject; and when he had done so, the House would not be surprised that there should at this moment exist a very general indisposition on the part of the negro population to engage in any definite contract at all, or that they should be encouraged in this feeling by those who were usually called the friends of the negroes—namely, the religious missionaries—a class of men, who, in his (Mr. Labouchere's) opinion, had on many occasions exercised a very salutary influence over the negro population. He felt it due to that much calumniated body of men to say, that he believed it was mainly owing to their exertions, notwithstanding the unexampled state of things that existed in Jamaica, in consequence of the suspension of the functions of the colonial legislature, that there had been no serious disturbance of the public peace in that island. Considering how often the conduct of those men had been made the subject-matter of blame in that House, he thought that this great fact, which could not be controverted or concealed, ought not to be overlooked. The right hon. Gentleman then read the following copy of a dispatch from Lieutenant-general Sir Lionel Smith, Bart., K.C.B., to Lord Glenelg:—

"King's House, August 14, 1838.

"My Lord—I am very anxious to draw your Lordship's attention to the act of the island, 5 William 4th, c. 2, for enlarging the powers of justices in determining complaints between masters and servants, &c.

"This act has already been found to operate with great severity against the European emigrants; and the friends of the negro are naturally apprehensive that it may be converted into a powerful engine of oppression against the labourers, as it gives authority to a single justice to apprehend, under his warrant, 'servants in husbandry,' who absent themselves or neglect to fulfil their contract, and punish them by hard labour, not exceeding three months, or by forfeiture of wages.

"I hope your Lordship will be enabled to rid us of this act, either by a formal disallowance, or by the authority of the Imperial Parliament."

He would next read the following extract from the Act referred to in the above despatch:—

"And be it further enacted, that if any servant in husbandry, or any mechanic, artificer, handicraftsman, labourer, person employed in droggers, body or house servant, or other person, shall contract with any person or persons whomsoever, to serve him, her, or them, for any time or times whatsoever, or in any other manner, and shall not enter into or commence his or her service, according to his or her contract, or, having entered into such service, shall absent himself or herself from his or her service before the term of his or her contract (whether such contract shall be in writing or not in writing) shall be completed, or neglect to fulfil the same, or be guilty of any other misconduct or misdemeanor in the execution thereof, or otherwise respecting the same, then and in every such case, it shall and may be lawful for any justice of the peace of the parish where such servant in husbandry, mechanic, artificer, handicraftsman, labourer, person employed in droggers, body or house servant, or other person, shall have so contracted, or be employed, or be found; and such justice is hereby authorized and empowered, upon complaint thereof made upon oath to him by the person or persons, with whom such servant in husbandry, mechanic, artificer, handicraftsman, person employed in droggers, labourer, body or house servant, or other person, shall have so contracted, or by his, her, or their attorney, manager, or agent, which oath such justice is hereby empowered to administer, to issue his warrant for the apprehending every such servant in husbandry, mechanic, artificer, handicraftsman, person employed in droggers, labourer, body or house servant, or other person, and to examine into the nature of the complaint; and if it shall appear to such justice, that any servant in husbandry, mechanic, artificer, handicraftsman, persons employed in droggers, labourer, body or house servant, or other person, shall not have fulfilled such contract, or hath been guilty of any other misconduct or misdemeanor, as aforesaid, it shall and may be lawful for such justice to commit every such person to the house of correction, there to remain and be held to hard labour for a reasonable time, not exceeding three months, and to abate a proportionable part of his or her wages for and during such period as he or she shall be so confined in the house of correction; or, in lieu thereof, to punish the offender by abating the whole, or any part of his or her wages."

Now, when hon. Gentlemen recollected the peculiar relation in which the magistrates of the island of Jamaica, who were in fact the master-planters themselves, stood in regard to the labouring population there, he would ask, whether this was a fit law—and it was the only law—to regulate contracts for labour in that colony; or whether it was possible the House could blame those who professed to watch over the interests of the negroes for cautioning them to beware how they subjected themselves to such a law, and made themselves liable to the most arbitrary and severe punishment, under the authority of a single justice of the peace? He might multiply quotations to prove the absolute want of a new contract law in Jamaica. In truth, the books which had been laid on the table of the House absolutely teemed with information to that effect—information coming not from one quarter only, but from every quarter. The House of Assembly themselves acknowledged that a new law was absolutely necessary; the Governor of Jamaica repeated the necessity that existed very frequently; and, if it were necessary, he could quote extracts from the reports of the stipendiary magistrates, in which the greatest stress was laid by them upon this point. But he might, perhaps, be told, that if this was really the case, then, as the planters were fully represented in the House of Assembly, it was manifestly the interest of that Assembly to pass a law of contract. It might be so; and he should be sorry to think that the true interests of the planter and of the negro were distinct. But it did so happen, that the feelings of prejudice and of irritation on both sides were so strong in that island, that the Government could not rely on any prudent law being passed by the House of Assembly upon the subject, notwithstanding it might be to the interest of that Assembly to enact such a law. Therefore, he should say, that both in the case of vagrancy and of contract for labour, the Imperial Parliament would especially desert its duty and violate the solemn pledge which it gave last Session of watching over, with peculiar care, the interests of the negro population after the passing of the Emancipation Act, if it did not take some measure to secure good laws upon those two subjects. The third topic to which he had alluded, related to unauthorised occupation of land. The state of Jamaica in this respect at this moment was, not that there existed a bad law on the subject, but that there was no law at all. The eleventh question put by Lord Glenelg to Sir Lionel Smith, in his Lordship's dispatch of the 15th September, 1838, was,

> "By what rules has provision been made for preventing the unauthorised occupation of lands belonging either to the Crown or to private persons?"

The answer was,

> "It appears that the law of the island is silent on this subject. This is one of the topics embraced in the series of orders of the Queen in council, which are about to be extended to the colonies, subject to her Majesty's legislative authority. I postpone this question, therefore, until that order shall have been completed."

If he were disposed to consider the separate interests of the planters, it might be clearly said that a law upon this subject would be one rather favourable to the planter than to the negro. He thought it a most unfortunate state of things, among a negro population, that instead of becoming industrious labourers they should take possession of the waste lands; and that there should exist no law by which they might be prevented from doing so. He thought, therefore, that a law upon this subject was especially desirable to be introduced. Perhaps it was not of the same pressing importance with the others, but as it was one of the subjects embraced in the orders of council sent out to the Crown colonies, he thought there would be no objection to its being added to those measures. He had now explained to the House the main provisions as well as the principle of the measure he proposed to introduce. The House would perceive that, in the first place, it gave to the House of Assembly of Jamaica the most ample opportunity of relieving the Imperial Parliament from the necessity of interfering at all by direct legislation in any of their internal concerns, provided they would undertake the task of legislation themselves on those points which he had mentioned, and which were of pressing necessity to the well-being of that colony. He could assure the House that, although the Government had no idea of holding out the language of cajolery or deceit when speaking to the House of Assembly —on the contrary, he would repeat that it was their intention to call upon Parliament not to abandon their right of interference, but to exercise that right, whenever occasion should require it, for the protection of the negro population—yet they might also be assured that there did exist a sincere desire on the part of the Government that Parliament should proceed as sparingly as possible, and that they hoped all their predictions might be falsified by the House of Assembly themselves legislating in a way which might fairly be considered satisfactory to all parties and interests. But in the event of the House of Assembly either refusing to legislate at all, or legislating in so delusive a manner that their laws should prove completely objectionable and unsatisfactory, he then should deem it the duty of the House to interfere. He had already stated in what manner the Governor in Council would be empowered to revive those expiring laws which were necessary for the welfare of the colony. The House of Assembly would in the first instance be invited to legislate upon the subject. They would not be asked to conform strictly and literally with the orders in council. It would be quite sufficient that they should pass acts on those great subjects he had mentioned, which should contain in them provisions efficient for the purposes intended. If that should be done, then there would be no reason to carry the present measure into effect. But if no Act should be passed in the colony upon those three subjects to which the Government could give its consent, then, after a certain time should have elapsed, the Governor in Council would be authorised to make laws upon the model of those orders which had been sent out to the Crown colonies, leaving them the power to make such alterations as circumstances might require, but at the same time to adhere to the principle, and as near as might be to the terms of the orders themselves. He trusted the House would consider that this was carrying the principle of interference to the very narrowest limit to which it could be carried, unless they really meant to retrace their steps, and to abandon that which they stood pledged to maintain, namely, the Emancipation Act, and that which they also stood pledged to do, namely, to keep a constant watch over the interests of the negro population in the British colonies, to both which the dignity and the honour of this country were plighted. Consistently with these objects, they could not hesitate to sanction the measure which he had now the honour to propose to them. He would not detain the House any longer by going into details of the measure, but would at once move for leave to bring in a bill to provide for the enactment of certain laws in the island of Jamaica, consequent upon the abolition of slavery in the said island.

Sir *R. Peel* was sure that it was unnecessary for him to say that it was not his intention to offer any opposition to the present motion. He went further; he should not offer a single word which would have the effect of prejudicing or prejudging the due consideration of the general principles of the measure which the right hon. Gentleman proposed to introduce. Reserving his opinion upon the particular provisions by which the right hon. Gentleman proposed to carry his bill into effect, and speaking of the general principles themselves, he concurred in the principles which the right hon. Gentleman had laid down—that was to say, that the moment the Government had agreed to abandon their intention of suspending the constitution of Jamaica, the House of Assembly was called to return to the exercise of their legislative capacity; and this he must say, that after the opportunity thus afforded to the House of Assembly by Parliament to resume its functions, it was the manifest duty of the House of Assembly so to conduct itself, as to show that they were disposed to legislate for the colony in a right spirit. He thought that it would be a most unworthy course in the House of Assembly if they steered too close to the wind, and that it would be their true policy, as it was their manifest duty, fairly to carry into effect the views entertained by Parliament in passing the Emancipation Act. He must repeat the declaration which he had made, that he thought, after the magnificent pecuniary grant made by the people of this country, we had a right to insist that the negro population should receive not a mere nominal freedom, but the practical advantages of free British subjects. The moment he was convinced that the colonial legislature would refuse to grant, not a mere nominal freedom, but the practical advantages of free British subjects, then he maintained that the people of England had a right to insist that they should receive that equivalent for their munificence which was to be derived from placing the negro in a position which would enable him to taste the solid advantages of freedom. He had doubted whether the course which the Government formerly proposed to pursue of suspending the constitution of Jamaica was in accordance with constitutional principles. It would be with extreme reluctance, after the great experiment to which the Legislature had consented, that he should adopt another experiment, and abolish the ancient form of government which Jamaica had enjoyed for more than 200 years. He would confess, also, that it had appeared to him a matter entitled to the most serious consideration, whether with respect to the relations existing between the black and white population, and with respect to the powers which the negroes would afterwards have to exercise, it was wise or politic to represent the whites as incapable of fair and impartial legislation. These were the grounds on which he had doubted the wisdom and policy of the measure introduced by the Government for suspending the functions of the Jamaica Legislature. However, the Government had now abandoned that course, and he inferred from what had fallen from the right hon. Gentleman that they had resolved to adopt another line of policy, and to leave an option to the House of Assembly. He trusted the new course of policy would prove beneficial. He hoped that it was calculated to secure the best interests of all parties, and until they had evidence to the contrary they were bound to presume that the House of Assembly would prove itself worthy of the confidence of the Imperial Parliament. But in regard to one part of the statement which had been made by the right hon. Gentleman he wished most particularly to reserve himself. He reserved himself on those points having reference to the particular acts to which the right hon. Gentleman had alluded, as he was not aware whether those acts were in accordance with his opinions or with the principles on which he should act in regard to the bill which it was proposed to introduce. He would examine those acts, however, and compare them with this bill, and then, when he had fully considered the subject, he should state to the House the results of his examination. When he had made that examination, and fully informed himself upon the subject, then, viewing the measure as a permanent one, he should inquire, in the first place, whether he had sufficient information to qualify him to legislate on affairs so complicated, and of such grave and serious importance; and, in the second place, and he would not then give an opinion on the point, he would consider whether, by passing acts of permanent endurance, he should not be raising obstacles to the great object which Parliament and this country had in view. Such was the course which he should feel it his duty to pursue, with respect to the measure which the right hon. Gentleman had asked leave to introduce. He should not have said another word at that time upon the subject, if the right hon. Gentleman had not thought it proper to refer to party proceedings, in reference to the bill which he had proposed to withdraw, and to complain of the course which those in opposition to the Government, had felt it their duty to follow. Nothing could be more specious and plausible, nothing more easy, than to declaim against party feelings and party proceedings; and it was not difficult, by such denunciations, to create a sympathy in the public mind, in favour of those who had suffered a defeat. He perfectly agreed with the right hon. Gentleman, that to seek unfairly, and for party purposes to thwart and harass a Government, in regard to the measures which it proposed, and more particularly in regard to colonial measures, and measures having reference to slavery, or the interests of the emancipated negroes, was most uncandid, ungenerous, and unjust. For those in opposition to pursue such a course, and to seek to embarrass the Government, solely with a view to party triumph, and without any regard to the welfare of the people, or the merits or demerits of the questions under consideration, would, in his opinion, be a most unworthy proceeding, and a most improper exercise of power. He thought such a proceeding would fully justify the condemnation of the right hon. Gentleman, and afford ample grounds for denunciations of party. But suppose this case should arise—suppose that a *bonâ fide* difference of opinion should exist between the Government, and those who were in opposition—suppose that hon. Gentlemen on his side of the House should think that the Government had not sufficient grounds for suspending the constitution of Jamaica—for abolishing the legislative functions of the House of Assembly—surely the right hon. Gentleman would not deny, that those in Opposition had as good a right to claim credit for sincerity, and the absence of party views, as those who supported the Government. Suppose that the party in opposition thought that there was not sufficient grounds for suspending the constitution of Jamaica, while the Government, and those who usually supported the Government, asserted the contrary, if the Opposition candidly and sincerely entertained their opinions, were they to acquiesce in the opinions of their opponents, and to take no steps to carry their own views into effect? He presumed that no one would advocate such a tame submission to the views of others, or contend that a great party acting honestly upon principle, should abandon their opinions or their principles without a struggle. Then what was the course for those in Opposition to pursue? Were they not to intimate the difference of opinion which existed, to state the grounds of their opposition to the measures of the Government, and to give notice that they would take the sense of the House upon the points at issue? No one would contend that the Opposition had not a perfect right to do so, or that there was anything unfair in such a course of proceeding. They were, then, to be governed by the ordinary rules in the course of the proceedings which they might feel it to be their duty to adopt. Suppose that, differing honestly from the Government in regard to the Jamaica Bill, and entertaining opinions at variance with those of hon. Gentlemen opposite, he were to give notice of his intention to resist the suspension of the functions of the House of Assembly, and to take the sense of the House upon the wisdom and policy of such a measure, would he act consistently with his duty, if he were not to take every precaution to ensure the success of his own views, and by securing a large attendance of Members, to enforce his own opinions? Such would be the course pursued by hon. Gentlemen opposite, and when those on his side of the House differed from the Government, they were necessarily obliged to follow the example. It was the only way in which they could perform their duty, and enforce the principles and views which they honestly entertained. But because they adopted such a course, did it follow that they were actuated by no higher considerations than those of party? No; both parties followed the same course, and the presumption, in fairness and candour, ought to be, that both honestly held their opinions, and that they were equally fair in the mode of asserting them. The Government might honestly think, and he was far from questioning their sincerity, that to suspend the constitution of Jamaica was just, and fair, and expedient; while those who were in opposition might, with equal honesty. hold a different opinion; but surely they were not to be blamed, if, when there was a *bonâ fide* difference of opinions, the Opposition took every step within their power to secure the success of their own views. But although the Opposition had differed with the Government in regard to the Jamaica Bill, they had taken no unfair advantage by the course which had been pursued. Nay, they had not left the Government entirely without support. They had given the right hon. Gentleman an option as to the course which they wished to be pursued, and they had made no imputation upon the motives of the Government; but when they saw the Government, after they had stated their hostility to the bill, resolved to persevere with the measure which they condemned, what course, he would ask, was there open to them, but honestly to oppose the bill, and to take the sense of the House upon the subject? Were they to have nothing more than a mock Opposition; and were they, whenever there was any difference of opinion, to give way at once to the wishes of the Government? Was it not the positive fact, that on all important questions, the Government took every precaution to secure as large an attendance of their friends as possible, and were those who opposed the Government, when they honestly differed in opinion, to be precluded from resorting to the same means for ensuring success? And let him remind the Government, that on the division on the Jamaica Bill, it was not alone those on his side of the House, which composed the "phalanx" which the right hon. Gentleman had charged with acting from party motives.

That "phalanx" was swelled by some of those who sat on the same side with the right hon. Gentleman, and he would ask whether they also had acted from party views. The noble Lord might, perhaps, sneer at his own friends, and treat with indifference those who usually supported him, but he would ask again, whether those who joined the usual Opposition on the division on the Jamaica Bill, and who were favourable to the general policy of the Government, were also influenced by party feelings? The right hon. Gentleman was perfectly at liberty to speak for his own friends, but were the ten men who joined the Opposition, actuated also by the motives of party? In regard to the 320 Gentlemen who voted against the bill, he begged, on their part, to deny that their conduct upon that occasion, afforded any testimony to the existence of party feeling. But, after all, it was to the general principle of opposition to which he wished to allude. To endeavour to embarrass the Government, from party motives, and on questions of colonial policy, and more particularly on questions relating to the condition of the negroes, was unfair and unwise; but when a *bona fide* difference of opinion existed, then each party, honestly entertaining their own views, might surely, without any imputation of unfairness, resort to every means within their power to secure as large an attendance of Members as possible. And such, however much they might talk about the matter, would always be the case. Mr. Pitt might have said to Mr. Fox, that he embarrassed the Government by his opposition to the war; but would any one deny that Mr. Fox was bound, if he held his opinions honestly, to oppose the war, and to take every measure to secure the success of his opposition, consistent with fairness? From the first, he had intimated to the Government, that in his opinion, there was not sufficient constitutional grounds for suspending the constitution of Jamaica; and that opinion had been confirmed during the debate, and still more had it been confirmed by the course which hon. Gentlemen opposite, and who usually supported the Government, had felt compelled to adopt. He had therefore determined to enforce the opinions which he entertained, and to take the sense of the House upon the point at issue; and having formed that determination, he had resolved that his should not be a specious and hollow opposition, but that it should have the full weight of the great and important party which agreed with him in opinion.

Lord *J. Russell* could not object to the mode in which the right hon. Gentleman had expressed his opinions, and he willingly allowed that the right hon. Gentleman had said as much on the principle of the bill, and that he had acquiesced as far in that principle as, under the whole circumstances, could have been expected. The right hon. Gentleman had a perfect right to reserve his opinions in regard to any of the details of the measure, or in regard to the wisdom of the policy which the Government might pursue in regard to Jamaica. He could only say that, while he agreed with the principles which his right hon. Friend had laid down, and while they had abandoned the course proposed by the former bill, of suspending the functions of the House of Assembly, the Government, although they had resolved to try a different course, were prepared to maintain the absolute necessity of providing, in the present session, that there should be the means of preventing those who might be so inclined from oppressing the now free population of the colony. The House was bound to take care, after having passed the great measure of negro emancipation, that under no power which previously existed, or which since that time had been acquired, oppression should be carried into operation by persons who might resent the passing of that measure. He owned, if he felt any regret in regard to that great and benevolent measure, it was, that, having agreed to abolish slavery, and to provide ample compensation to the slave-owners, the Legislature had not manifested somewhat less of prodigality, and that they had provided for the immediate payment of the compensation, instead of waiting till they had seen whether freedom was practically and in reality established. For while at the first, and on the immediate abolition of slavery, the liberal and ample compensation which was provided reconciled most of those who had property in the slaves, yet, after the various sums had been apportioned and paid, and when the next step was to be taken, there arose a great deal of discontent — a great deal of dissatisfaction on the part of those slave-owners with the measures which it was necessary to adopt to carry the Emancipation Act into effect, and to secure the welfare of the colony, and the freedom of the population. But, in expressing those opinions, he begged distinctly to be understood as imputing no blame to any one. He himself had agreed to the Act, and was, therefore, as liable to blame as any other Member of that House. He did not think it was necessary for him to say more at that time in reference to the bill which his right hon. Friend proposed to introduce, but the right hon. Baronet opposite (Sir R. Peel) had made some remarks in reference to the proceedings which had taken place on the last bill, which he could not allow to pass altogether without notice. He was perfectly ready to admit that, if the bill which had been brought forward by the Government was of such a nature as to render it impossible for the right hon. Gentleman to agree to its principle, and that if, on examination, he found its details such as he could not honestly sanction, it was, in such a case, perfectly competent for the right hon. Gentleman, and for those who acted on the authority of his opinion, to proclaim their opposition, and to take the sense of the House upon the points at issue. So far he perfectly agreed with what had fallen from the right hon. Gentleman; but when the right hon. Gentleman did not confine himself to that course, but when, on the contrary, he pursued a course materially different, he must own, that it appeared to him that it would have been more fair, more open and candid, if the right hon. Gentleman had stated his objections to the bill in the course of the discussion, and given notice of another day for taking the sense of the House upon the points in dispute. Such, in his opinion, would have been the candid course to have pursued, and thus to have afforded an opportunity to the Government of making a full statement of their reasons for pursuing the course which they had followed, which, by the line of policy adopted by the Opposition, they had been prevented from doing. But there was another question with regard to the proceedings of the party of the right hon. Gentleman. It was natural that those who had not looked particularly into the merits of the bill, that such of the right hon. Gentleman's party as supported the general line of policy which he pursued, and who were at little pains to inquire for themselves, should agree with him in his opposition to the Government measure relative to Jamaica, and that they should follow the course which the right hon. Gentleman had prescribed. But there were others of the right hon. Gentleman's party who were not in that situation. There were those on the other side of the House who had examined for themselves, who had formed their own opinions, who were intimately connected with Jamaica, who, from the extent of their property, had a deep interest in the welfare of the colony, and therefore he must say, that when the right hon. Gentleman expressed his intention to oppose the bill, and when he called on those who approved of his general policy to follow the course which he had pointed out, and to reject the bill, he must say, in such a case, that those ought to have been exempted who had a deep interest in Jamaica, who had formerly expressed a favourable opinion of the measures of the Government, and who had communicated that opinion to various Members of the Administration. He thought that such persons should have been allowed to act upon their own views, and with reference to their own interests, and that they should not have been forced to sacrifice their opinions and their interests on the question of Jamaica to gratify English party. In asking, that there should be free permission for the expression of opinion, and that no force should be applied by those in opposition to such of their body as were owners of property in Jamaica, he thought he was not asking any very extravagant concession. But, in the late division, that concession had not been made, and every means had been used to induce those on the opposite side of the House, whose interests were at variance with the course of proceeding adopted by the right hon. Gentleman, to refrain from voting with the Government, and those means had been successful. [*Name.*] He believed the fact was notorious on the other side of the House. He had asserted what he believed to be correct. There was another question with regard to those who did not generally support the right hon. Gentleman, and who, on most occasions, voted with the Government, but who were considered by hon. Gentlemen opposite removed in their political views still farther from the principles of the right hon. Gentleman than were the Members of the Government. Now, he owned that it did appear to him that, in the debate on the Jamaica Bill, the right hon. Gentleman had taken a different course with respect to those hon. Members from that which he had pursued last year. It was stated by an hon. Member opposite, last year, during the discussions on the affairs of Canada, that while his party were determined to maintain their own principles, even when opposed to the Government, they would not attempt to court those who differed still more widely from the principles which they advocated than the Government itself. But he must say, that, in his opinion, the right hon. Gentleman did not act upon that principle on a late occasion, but on a principle which neither he nor his party had ever professed before, and that, in order to obtain the votes of some of those sitting on his side of the House, who had expressed extreme opinions on the subject of reform, he had courted a union with those from whom he differed more widely than from the Government. Such, at least, was his persuasion from the arguments which had been used by hon. Gentlemen opposite, and from the constant appeals which were made to those constitutional doctrines which some of those who generally supported the Government were known to entertain strongly. From these facts, he was persuaded that the party opposite was not content to rest on its own strength, and upon the line of policy which hon. Gentlemen opposite had so honourably and so beneficially pursued last year, and that they were to adopt a new line, and to seek to strengthen themselves by adding those to their ranks who were offended with the Government for not going farther and faster on the road of reform. Such was his conviction, and that conviction, strong on his mind, had most materially influenced him in the course which he had felt it his duty to adopt subsequent to the division on the Jamaica Bill. He felt convinced that hon. Gentlemen opposite had determined to adopt a new line of policy, and to court the favour of those from whom, in their political principles, they differed more than from the Government. He had thought it necessary to state this much, because the right hon. Gentleman had seen proper to state the reasons which induced him to adopt the course which he had pursued. The right hon. Gentleman had stated his reasons for the course which he had adopted, and had contended that he had acted only in the ordinary way. He, however, must say, that the right hon. Gentleman did act in a manner at variance with that course of conduct which he had adopted on various other occasions.

Sir *Charles Grey* said, that it would be beyond the powers of any party to stipulate that the Government should not legislate, if necessary, for Jamaica. There was no person in that House, no lawyer, no man of research, who could point out any general principle which forbade legislation by the Imperial Parliament as to the internal concerns of the colonies, save only, as to imposing new taxes, except for the purposes of commerce, affecting the property of the inhabitants of the colonies. Indeed, it was necessary that the Imperial Parliament should possess this power of legislation, if they meant to preserve in the colonies principles consistent with the principles of the English Constitution. It was idle to talk, with reference to Jamaica especially, of the want of this power of legislation; for the whole of the present difficulty arose from an Act of the Imperial Parliament, which operated over the whole internal affairs of the island when it liberated the slaves, and he thought that those who were sharers in the great glory of that measure would shrink from their duty if they were not prepared to carry it out into full effect as originally intended. Although he had no wish to throw any obstacles in the way of the measure brought forward by the Government, yet he regretted that they had been compelled, by the hon. Gentleman opposite to abandon a measure which gave a power for suspending the sittings of the House of Assembly, for that was all the former bill would have done. It was all that he thought really desirable, and he believed that it was all that the Government were anxious to obtain. All they wished was, to be absolved from the embarrassment, and, as he believed, from the overwhelming difficulty of calling together the Assembly year by year, and to place the power of legislation elsewhere than in the Parliament, but still under its regulation and control. He thought that the Gentlemen opposite would bitterly repent having compelled the Government to abandon the measure, which would have prevented the necessity of calling the local Assembly together; for those who looked to the Legislature of Jamaica would find little probability that any beneficial change in the laws would be carried into effect. The recently emancipated people of Jamaica were as much a new people as if they had been recently conquered, and required as much care in the legislation, and out of what materials was it to be obtained? The labourers had been the slaves of the Assembly. The Baptist clergy, in consequence of the oppression of the slaves, had obtained much influence over them, and the Assembly was at war with these clergy. Of the magistracy there were two orders, the local and the stipendiary, and they were told that the stipendiary magistrates were at variance with the local magistrates, and that the latter were supported by the Assembly. Above these, they had the Assembly representing only about 2,000 persons out of 350,000, and there were but seven or eight votes which were supposed to represent the sentiments of the coloured population. Then they had the Governor, and what had been the feelings subsisting between the two last Governors and the Assembly, they all knew. There had been nothing but flagrant and constant discord. But the Government of the island did not rest there; they had next the Colonial-office, and he would ask what hope there was of agreement between the Colonial-office and the Assembly? Neither could he stop there. He came next to that House, and he found a bill, the Prisons Bill, passed without opposition, and to which the hon. Member for Kilkenny and others had given, at least, their silent approval. They were all parties to that bill, and they were now told, that before the Assembly could be expected to legislate for Jamaica, they were to obtain an answer from the Government acting for all parties in the House, either that they would retract that bill, or cease to legislate for the future. Such were the elements they had to deal with, and such the materials which they found for legislation, to secure to the people they had brought into political existence, their due share of freedom. For himself, he despaired of making the legislature of Jamaica an effectual instrument for the purpose, and he therefore thought that it would have been better to have relieved the Government from the necessity of calling this Assembly together year by year.

Sir *E. Sugden* said, that on a former occasion he had acted as the great majority of the House had done, and it was ungenerous on the part of the other side to taunt them (the Opposition) with being willing to suspend a constitution. The conclusion he had come to with respect to Canada had been after due inquiry, and after reading all the papers, which had induced him to think that a case had arisen when it was proper to interfere with the constitution of Canada. His deliberate opinion he had supported, though an unpalatable one. But was it to be supposed, because they had agreed to suspend the constitution of Canada, because the general good would be promoted thereby, that they ought to agree to suspend the constitution of other colonies? This was a mistake of the other side. Before he had voted on the Canada question, he had read every paper on the question. Illness had prevented him from attending the discussion of this question, but not from reading the papers, and he had read all the papers on the Jamaica question, and he had not had the slightest communication with any gentleman of the party to which he belonged during the time he was reading them or after he had read them. Before he read the papers he had a strong prepossession against the Jamaica planters, but the more he read them, and pondered them, the more satisfied he was, that no case had arisen which justified the measure; and if the party to which he belonged had taken up the question as a party question, and had voted the other way, he should have opposed them. Those hon. Gentlemen who had taken up the reins of Government with so much alacrity after having laid them down with such a determined air, had treated the question as a party question. The Government had taken it up as a party question. He thought it necessary to state these facts because he wished the right hon. Gentleman to understand, that it was not true that everybody in that House followed a particular course, not from conviction, not from inquiry, but simply from party feeling.

Leave given to bring in the bill.

American Treaty.—Duties on Exported Woollens.] Mr. *Cresswell* said, it was his duty to call the attention of the House to a petition of Liverpool merchants, and to move for papers relating to the duties paid on exported manufactured woollen goods to the United States. This question which for a long series of years had been urged upon the attention of the Government of the country, was no party question. It was not brought forward in favour of any particular party. The House would at once admit, that it was no party question when he stated, that the first name among the petitioners was that of the Mayor of Liverpool, who signed it in the month of October last, when the noble Lord the Secretary of State for the Home Department honoured that town with his presence. Mr. Rathbone was not one of his (Mr. Cresswell's) supporters, and probably never would be. He believed if he went through the list he should find in the names a large portion of his political, but he trusted not one personal, enemy. The petition which was presented to the House on the 15th of February last, stated that in the year 1815 a reciprocal liberty of conscience was established between England and the United States of North America, by which it was agreed that all goods exported from or imported into either country should not pay a higher duty than goods exported into any other foreign country. At that time, the duty was 1 per cent. on woollen goods, and it would appear from the petition that very considerable sums of money had been received by the customs for the duties on those goods. The treaty had been since recognized by several acts of Parliament. Subsequently, the duty was reduced to 10*s.* per cent. on all such goods exported to Portugal and other foreign countries, and this continued until the year 1817, when the export duties thus collected in infraction of the terms of the treaty were discontinued, and promptly refunded to the parties who had paid the same. In 1819 an act was passed with rather a long schedule, which provided, that woollen goods might be exported to China free of duty altogether. This remained for a considerable time unknown to those who were in the habit of exporting woollen goods to the United States. It was discovered in 1825 by an agent of some London merchants, who applied to the Board of Customs, and claimed, that British manufactured woollens should be exported to the United States duty free, in conformity with the terms of the convention, but they refused to afford any relief at that time. It was afterwards arranged that the shipments should be made on the deposit of the amount of duty claimed, pending the decision of the Government. While this important question remained undecided treaties of reciprocity were concluded between Great Britain and the States of Rio de la Plata and Colombia, the same to the very letter as the former treaty with the United States. In October, 1838, the Treasury issued an order to the Board of Customs to discontinue the exaction of those duties, and to return the sums which had been received contrary to the stipulations of the treaties. Then there was a distinct admission on the part of the Government that they had been in error in exacting these duties, because if not, they were in error in paying them back and discontinuing the exaction. Therefore, he had a right to assume, that up to this period, then, these monies had been unlawfully exacted; but was the money to be returned? If so, he presumed no doubt could be entertained that it ought to be returned to the parties who had paid it. This order from the Treasury he should have supposed would have satisfied the Board of Customs. Not so, however, for the order embraced—but without specifying other countries besides—the United States, which ought to be exempted from these duties, and the Board of Customs took advantage of that fact, and said, that although the order was expired with regard to goods shipped to the United States, still as other countries affected by it were not specified, it was uncertain in parts of its terms, and therefore they (the Board of Customs) would not act on that part of the order even which was specific. At length, upon another petition, an order was obtained from the Treasury, in April, 1830, notifying that the countries intended to be affected by the previous order were Buenos Ayres, Mexico, Colombia, Sweden, and the United States, and on the 7th of May, 1830, the Board of Customs issued their order for the discontinuance of the duties on all future shipments. Still, with regard to repayments the parties were met with great difficulties. The money was not returned, though it had been paid in deposit, and the Board of Customs suggested to the Treasury an excuse and reason for not returning it. They said, that the statute 6 Geo. 4th, c. 107, acted as a statute of limitations (as they were pleased to call it) with respect to duties which, though paid improperly, had not been claimed within three years of the time of such payment. Now, how that statute could be made to have a retrospective operation, he (Mr. Cresswell) was at a loss to conjecture. Against this proposition the petitioners remonstrated, and said, that from 1836 downwards they had been claiming those deposits. In order to justify that limitation, the hon. and learned Gentleman opposite (the Solicitor-general) must say, that this statute had a retrospective effect. The petition, however, set out the opinions which they had taken from two high legal authorities; one a right hon. Gentleman, who usually sat on the Ministerial side of the House (Sir S. Lushington), stating that this statute could have no such operation. He, therefore, contended, that the Customs were bound to return the duties paid from the period of the first deposit. But then it had been said to these parties, that they were not entitled to have the money returned, because the mere proof that they had paid the money was no proof that the money was theirs, or that they were entitled to receive it. Now, was that at all consistent with the order of 1830, which was, that they should be returned the money simply on proof that they were the parties who paid it. Now, it was impossible for any person to say that this was a fair mode of dealing with parties who had no opportunity of litigating the question, but who had been compelled to submit to the exaction when their goods were shipped. The Customs called on the shipping agents here to get a legal warrant of power of attorney from the consignees abroad, as a voucher for their authority to receive these monies. What was this but telling those merchants who were petitioners, "Why if you get the money, you would not apply it to your constituents, but put it into your own pockets." Now he could not believe that these merchants, many of whom were not his political friends—he could not believe that Mr. Rathbone, the ex-mayor of Liverpool, would keep to himself the monies of any other person; nor could he believe it of any who had signed this petition, friend or not. He was sure the right hon. Gentleman opposite would not cast such a slur upon the character of the Liverpool merchants, or of the British merchants generally, as to urge such a suggestion. On the whole, he trusted the House would see that both in justice and in equity these petitioners were entitled to have the monies back, monies which had been exacted without right, and received, as he had already stated, on deposit. The petition referred to documents which he desired to have laid on the table of the House, when it would be seen whether they contradicted or confirmed the statement made by the petitioners. They were satisfied of the truth of that statement; they courted and they challenged inquiry. He, however, hoped that the House would not hesitate now to pronounce an opinion, that the order obtained from the Government in 1830 ought to be carried into effect. At present he would, however, in point of form, move for a return of the amount of duties paid on the export of manufactured woollen goods to the United States of America since the year 1815, copies of the several petitions and memorials on the subject of such duties presented to the Lords of the Treasury, the Board of Trade, and the Board of Customs, and for copies of the several minutes and orders made by their Lordships or the said boards, respecting such petitions and memorials.

Mr. *Poulett Thomson* said, he should have great pleasure in producing the papers for which the hon. and learned Gentleman had moved, but he must protest against the recommendation the hon. and learned Gentleman had expressed in the concluding part of his speech, in the hope that the House would now express an opinion on this subject. Against such a course, without the production and consideration of the papers moved for, he (Mr. Thomson) must enter his protest; and he sincerely hoped the House would not enter into a discussion of the matter until those documents were all before it. He would give the hon. and learned Gentleman his papers, and when they were in the hands of Members, it would be seen that a more profligate case of demand had never been submitted to Parliament. It was, however, impossible for him (Mr. P. Thomson) to allow such a statement as that which had been made to go forth uncontradicted, or without stating what was the real nature of the case. The real nature of the case was, that under the East India charters that company was allowed to ship woollens to China exempt from the duty of half per cent. levied on woollens sent out to all other countries. About the year 1826 certain parties found this out for the first time, and said that China was a foreign country to which the woollens sent out did not pay duty, and therefore all other countries which were on an equally favourable footing were entitled, under the treaties alluded to, to exemption from the payment of the duty he had stated. The case was represented to the Treasury and the Board of Trade in

1826, but it was not until 1830 that a decision was given, and by that decision the duties were ordered no longer to be levied. He was not about to defend his own regulations or those of the Government to which he belonged, for the regulation and the decision were those of the Government of the Duke of Wellington in 1830.

The Treasury minute was dated November 3d, 1830, which was before the Duke of Wellington left office. Thinking that order right, he (Mr. P. Thomson) had felt himself justified in maintaining and confirming it. Now, what was the real gravamen complained of on this occasion? The real complaint consisted in a regulation which was adopted under that minute of November, 1830, and which was simply to the effect, that before the money should be paid back to the parties, they should prove that they were the parties entitled to it. He would read it. It was the second resolution, as follows:—"That the return should only be made to the actual owners or proprietors of the goods at the time of shipment, or to the shipper or consigner of the goods, on behalf of the owner or proprietor abroad, and on the production of a power of attorney, or other legal authority." Therefore, the Government had offered to pay back the monies to the parties who really proved themselves to be entitled to them. The hon. and learned Gentleman said, the money ought to be returned to those who paid it, but surely that would not be just to the parties actually entitled to it. When these papers were laid before the House, he would meet any motion which might be made on the subject. It would be his duty to resist any ulterior proceedings which the hon. and learned Gentleman might bring forward with regard to this question. But the papers, when produced, would speak for themselves.

Viscount *Sandon* said, that any delay which had taken place ought to be in fairness attributed to the right hon. Gentleman himself. The right hon. Gentleman appeared to rest his case on the imputations he had thrown upon those who claimed this money; but when he looked at the list of the names of those Gentlemen and considered the high character they bore, he considered, that he had a right to say, that no such imputations ought to be allowed to weigh against the concession of their claim. Every possible obstacle had from the first been thrown in their way, and the resolution which had been come to by the Treasury itself was now brought against the claim they set up. If the right hon. Gentleman would allow a defendant to be named, and permit the case to be brought fairly before a Court of law, he had no doubt whatever, that the question could be by that means decided in a manner satisfactory to the parties interested. The question was not so much as to the amount of the money claimed as it was as to the justice of the case, neither was it in any way a political question on one side or the other. It was a question of justice, and that House assuredly would not refuse to entertain it. He sincerely trusted the House would not follow the insidious advice—for he could only call it by that name—of the right hon. Gentleman, viz., refuse to express an opinion upon the case in the present stage of the proceedings.

Mr. *Hutt* had no hesitation whatever in pronouncing his opinion, that these proceedings were altogether unjustifiable; and it was of little moment under what Government the regulations were adopted. If, however, the right hon. Gentleman would fairly carry out his principle of awarding the compensation to these parties upon adequate proof of their claims, he (Mr. Hutt) would not object to such an arrangement, but he must be satisfied, that the principle would be fairly applied. At the same time he would state his belief, that nothing in these countries required a more special reform than the Board of Customs.

Mr. *Thornley* considered, that instead of this being a trumpery case upon the part of the claimants for compensation, the case upon the part of those who resisted the payment was trumpery indeed. He considered the conduct both of the Treasury and the Commissioners of Customs in this matter to have been most unfair.

Mr. *Cresswell* replied, that the right hon. Gentleman had not disputed a single fact which he had brought forward, neither had the Solicitor-general, who sat by him, risen to dispute the accuracy of any of the arguments he had made use of as to the law of the case. The right hon. Gentleman had called this a trumpery case; but if it was in reality so trumpery a case, how easy it was to get rid of it by paying the money. He also said, that these Gentlemen should not have the money unless they should previously prove, that they were the persons entitled to it; but the right hon. Gentleman seemed to forget, that he was himself all the time keeping possession of money to which he was not entitled. The right hon. Gentleman also said, that these claims might have been brought up; thereby insinuating that they had been brought up. But how did the right hon. Gentleman know, that any such thing had taken place? Had he made any inquiry as to whether such were the fact or not? It seemed to him, that the right hon. Gentleman had made no answer whatever to the arguments he had advanced; on the contrary, all he had said tended the more to convince him more than ever, that the conduct which the right hon. Gentleman defended was, that of a retention of power without right. He was willing, however, to abstain from further observations upon the subject, until the papers should be upon the Table of the House.

The papers were ordered.

EXPORTATION OF GOLD.] Mr. *T. Attwood*, on rising to call the attention of the House to the recent large exportation of bullion, and the consequent contraction of the circulating medium of the country, and increase of distress among the industrious classes, said, he hoped the House would hear him for a short time on a subject of very great importance to all classes of the country. The resolutions which he meant to propose were to this effect:—

> "That it was the opinion of the House that a considerable exportation of gold from this country had taken place lately; that this exportation was occasioned, in a great degree, by the large importations of grain for the relief of the wants of the industrious classes; that the exportation necessarily led to a contraction of the circulating medium, and thereby increased the difficulties at present pressing upon the industrious classes; that this exportation still continues, and consequently still increases those difficulties; that, under the present law, the Bank of England possesses no means of permanently meeting this state of things, or of preventing it; that the results thus produced were analogous in their character to what the country experienced in the years 1816, 1819, 1825, 1826, 1836, and 1837, and required the speedy and effectual interference of the House of Commons."

He should touch very lightly upon the subject, in hopes that he might induce forty Members of the House to agree with him. What was the state of the case? On the 11th of January last, the amount of bullion in the Bank of England was 9,300,000*l.* sterling; on the 2nd of May last, the amount of bullion in the Bank of England was only 6,000,000*l.* sterling, being a reduction of 3,000,000*l.* sterling in four months, or about the rate of 800,000*l.* per month. But this was not all; for, in estimating the whole diminution, it ought to be borne in mind that this calculation was formed on the twelve weeks' average. As to the present state of bullion in the Bank, he was credibly informed that there was not now more than 4,000,000*l.* worth of gold in their coffers. Gold and silver were now exporting, to the amount of 800,000*l.* sterling a-month. Was not this deserving of grave consideration? The very fact of such an enormous amount of bullion being required from the Bank for exportation, drove in the bank notes, and forced them out of circulation. A contraction of the circulation consequently took place, and brought innumerable evils in its train. Many Gentlemen thought that the difficulties, distresses, and embarrassments, to which the country was every now and then subjected, were all owing to the issue of Bank paper; and although he (Mr. T. Attwood) had often had occasion to show them their error, and that these things were not ascribable to over-issues of paper, but, on the contrary, to contractions of the currency, yet still he found those Gentlemen, again and again, reverting to the same idea—with which, also, the public press was contaminated; but, nevertheless, he was convinced he could show that these difficulties, embarrassments, and distresses, were not occasioned, and never had been occasioned, by the issue of paper money, but that they were the consequences of the contractions of the currency which were allowed, and which were effected under the present state of the law. The fact was, as he had often said, that the industrious classes resembled fishes in a pond, and the noble Lord, on the one side of the House, and the right hon. Baronet, the Member for Tamworth, on the other, had been playing the part of fishermen for many years. At one period the fishermen pulled up the plug, and let off the water, and left the poor fishes floundering in the mud, and then the fishermen caught a good many of them, and laughed at the rest, and called them *speculators* for getting upon the mud. At another period the fishermen returned the plug to its proper place, the streams of nature quickly filled the pond with water again, and the poor fishes began to swim about and enjoy themselves again, and many of them would almost cry, "Church and King, and Old England," and "Envy of surrounding nations," and "Admiration of the world." But in the very midst of their rejoicing, the cruel fisherman came again in the dark, and secretly pulled the plug; and thus again the poor fishes are left floundering in the mud. This was the whole secret of the "*fluctuations*" which had taken place in England for the last twenty-four years. It was all wretched nonsense to talk about "*overtrading*," and "*overpopulating*," and "*overspeculating*," and of twenty other Malthusian theories. These were the mere phenomena which a contracting currency presents. Thus the child in the carriage fancies that the trees and the hedges fly behind him; and thus the peasant fancies that the glorious sun rolls round the earth. It was experience and science which discovered that it is the carriage and the earth that move, and not the blessed sun. Of these errors, however, the industrious classes have been made the victims; and in matters of currency such errors had been made use of, as a kind of dust in the public eye, whilst the most gigantic system of fraud, ruin, and oppression was being carried on, that ever was heard of in the history of the world before. Now, what he wanted was, to apply a remedy, substantial and real, to these evils which the country had been subjected to during the last twenty years; he wanted to obtain the adoption of a just, equitable, and practical monetary system. He cared not what the money was, whether gold or paper, provided he got a system which would do justice, and put the means of subsistence and comfort in the hands of the working man. Something of this kind must be done; the country could not stagger on in its present state. The House remembered the state of things in this country near the close of the year 1836. But what was the diminution of bullion in the Bank of England in the nine months ending with December of that year? Why, the diminution in those nine months was not more than that which had taken place in the four months ending May, 1839. Then there was no rational ground for expectation that this exportation of bullion was about to cease, or even diminish in any material degree. There was, at the moment he was addressing the House, a premium of 1*l.* 15*s.* on carrying 100*l.* worth of gold to Hamburgh; and there was a premium of 15*s.* per cent. on gold carried to Paris. But what would be the measures taken to bring back the gold thus exported? Knowing, as they must, the exasperation prevalent in the country—aware, as they were, of the hoarded vengeance which rankled in millions of hearts—would the House agree that those millions should be demonised by compelling the Bank of England to contract their issues, and so throw the millions out of bread, in order to bring back this gold into the country? For his part, his wish was to let the industrious classes flourish by means of having the monetary system adjusted to the circumstances and wants of society, instead of forcing the country to submit to a standard with which the laws, customs, and habits of the nation were alike incompatible. If the welfare of the people and the existence of the standard of value, were placed in opposition with each other, he would say, "Perish the standard, but let the people live." The operation of the present law, relating to the currency, had contracted the circulating medium, and increased thereby the distress of the country. It would hardly be denied that the distress of the country was very great, and that the contraction of the circulating medium was the cause of it; and it therefore became necessary to take some means to obviate this distress. The Bank of England, being obliged by law to pay gold for its paper, had no power to remedy the evil; for when gold was exported, it was obliged to draw in its paper in proportion; if not, if this system of drawing away gold were continued under the existing law, the Bank of England must stop payment, and then the Sheriff of London took possession of that splendid establishment. The Bank had no power to act otherwise than as it did, except by an order from the Government. If the Bank, with this state of things did not draw in its issues, it would come to a state of barter. He saw the noble Lord (Lord J. Russell) was paying great attention to what he stated—[*a laugh*]—and he—(Mr. Attwood) hoped he would apply the power of the Government to rectify this evil; for it was a question which could not well be discussed in open House. He thought there could be no doubt of the analogy between the years 1836 and 1837 and the present time. It was well known that the contraction of the currency produced the distress of 1837, and he had shown how the contraction of the currency was producing distress at the present time. He would take the liberty of explaining the distress of 1816. [“*No, no.*”] Then he would explain the distress of 1810. In 1816 the price of gold fell from 5*l.* 11*s.* per ounce, which was its price in 1815, to 4*l.* per ounce, and he would show how that had produced the terrible distress of 1816. It was owing to the foreigner obtaining one ounce and a half of gold instead of one ounce for his importations of foreign produce in England, at the same time that the English merchant was compelled to demand from foreigners one ounce and a half of gold for the sale of the same quantity of British manufactures, for which he formerly received but one ounce. The sudden fall of the price of gold, from 5*l.* 11*s.* to 4*l.* per ounce, acted as a real bounty of nearly 50 per cent. on the importation of foreign produce into England, and as a real tax of 50 per cent. upon the exportation of British manufactures abroad. It was this which produced the paralysis of industry in England in 1816, and Mr. Attwood thought that the whole House would agree with him in opinion that it was amply sufficient for that purpose. He had often explained to the House how Lord Liverpool had relieved the distress of 1816, by renewing the Bank Restriction Act for two years, and by increasing the Bank note circulation from twenty-three to thirty millions sterling. But in the autumn of 1818 the very same state of things occurred as exists now. The relief of the general distress had driven the gold money abroad, and the Bank of England then reduced the paper money in the same degree, and partly for the purpose of preparing for the bill of 1819. In the month of May, 1819, Mr. Jeremiah Harman, then governor of the Bank, was examined before a committee of that House. He was asked why the Bank had reduced its circulation one-eighth in the last autumn. He answered “in order to prepare for the payment in gold.” He was then asked, what effect such reduction had produced upon the trade and commerce of the country. He answered, “a very serious effect indeed.” He was then asked, what effect he thought another reduction to an equal extent would produce. His reply was, that he thought “it would be impossible for the country to bear it.” Lord Liverpool and the right hon. Member for Tamworth took warning from this advice, and they proceeded more slowly to their object, exercising, as it were, a cruel mercy, and scattering the ruin slowly and gradually over many weary years. But this slow and gradual ruin was more terrible, if possible, than the sudden and swift destruction of 1816. The Manchester catastrophe, the Cato-street plot, and the insurrections in Derbyshire and Scotland were caused by it. The late Lord Castlereagh returned from his foreign negotiations, and was horrified at the state of things in England. He brought forward his five well known monetary measures in that House in one day, and soon the distress and discontent passed away. It was then that the present Lord Ripon boasted of “the prosperity dispensed from the ancient portals of a constitutional monarchy.” He ought to have known, as Lord Castlereagh had foretold, that this prosperity was necessarily produced by his five monetary measures; by an artificial increase of the circulation, adequate to support the artificial prices and obligations of the country; in fact, adequate to the duty of employing and rewarding labour, and of working the great operations of production, distribution, and consumption throughout the land. But what was the consequence of this state of things, under the pressure of the present unsuitable and fraudulent standard of value? Why, the gold was driven abroad again in the year 1825, exactly as it was in 1818; and again the paper money was made equally scarce with the gold money; and again the nation, in the winter of 1825, was suddenly plunged into a state of danger and distress. That state of danger and distress was partially relieved, as was well known, by renewed issues of paper money, and by those issues only. But the mortal pressure of the fraudulent and impracticable standard of value still remained; and in 1833 new relaxations of the system were had recourse to, which he would not now enumerate, and which produced the partial prosperity of 1836. In this latter year 1836, the very same exportation of gold money, and consequent contraction of paper money, took place, as exists now again in 1839, and as had existed before in 1818 and in 1825. It was the contraction of the circulating system which produced the distress of 1837, and it was the partial expansion of that system which had partially relieved it. In every instance the contraction of the currency had produced national distress and danger. In every instance the expansion of the currency had relieved it. He therefore called upon the House, and more particularly upon her Majesty's Government, to interfere in the present instance in due time, and not to suffer the contraction of the circulating system, now in progress, to go on until the present calamities and dangers of the country were exasperated seven-fold. He would now read to the House some extracts from public documents, emanating from Birmingham, which would prove to the House that the terrible question to which he was now alluding, had been the great cause of almost all the commercial suffering and political discontent now existing in the country. The first document, No. 1, was an extract from a petition to this House, signed by 23,000 of the inhabitants of Birmingham, in the year 1829. The second was an extract from a memorial presented to Lord Melbourne, on the 4th of November, 1837, from 13,000 workmen and 3,000 tradesmen of Birmingham, comprising all the respectable Whigs and Tories of the town. The third was an extract from the forthcoming National Petition, which he should himself have the honour to present in a few days, signed by upwards of 1,200,000 men, all expressing the same opinion and demanding the same redress; and he must beg the serious attention of the House to this subject; for they might be assured, that although some little discords had broken out among that immense body of men, and much imprudent language had been used, calculated, and perhaps intended to separate the lower from the middle classes of the community, yet these discords were rapidly passing away, and the day was not far distant when the whole of the middle classes and the lower classes would be so firmly and cordially united together, that they would be enabled to insure success to the just and righteous objects which they had in view.

Extract from the Birmingham Petition, dated May 8, 1829.

1. That in the opinion of this meeting the want of employment, the deficiency of wages, and the present general and almost unexampled distress of the country, are mainly to be attributed to the attempt which Government is making to restore the ancient and obsolete currency of the country, without having previously effected a corresponding reduction in the taxes and monied obligations of the country.

2. That by means of this unjust and impolitic attempt the real value and the real burthen of all the taxes and obligations of the country are in the process of being in reality *doubled*, and the interest and welfare of the industrious classes of the community are being sacrificed to the unjust aggrandizement of persons interested in the taxes and other fixed incumbrances.

3. That when the Legislature was induced to sanction this destructive measure in the year 1819, the most positive assurances were held out, that it would reduce the prices of property and labour only *four per cent.*, and, consequently, add only *four per cent.* to the national burthens; and it was only under confidence in these assurances, that the bill proposing to establish the present money was passed into a law.

4. That instead of being *four per cent.* only, experience has proved that the reduction in the prices of the products of industry is, on an average, full fifty per cent., and, consequently, that the nation is now called upon to repay full *double* the amount of real value which it actually owes in the discharge of all its taxes and fixed monied incumbrances.

5. That this extreme reduction in the prices of the products of industry brings them down within the *gripe* of the fixed taxation, and prevents the possibility of employing labour with any profit to the employer: that the consequence of this annihilation of profit is either a general discharge of workmen, or an unnatural increase in the amount of their daily labour, or a general reduction of their wages to the level which existed when the taxes which they had to pay were a comparative trifle.

6. That the National Debt of eight hundred millions sterling is thus made equal in real value and in real burthen to *sixteen hundred* millions sterling, estimated in the money in which nearly the whole of such debt was contracted, and the national taxation of fifty-five millions per annum is thus made equal to a taxation of one hundred and ten millions per annum, estimated in the money in which nearly the whole of such taxation has been imposed and submitted to.

7. That it is not possible to believe, that the Legislature can really have contemplated such an enormous and gigantic fraud as this might appear to be, and this meeting trusts that the Legislature will not longer suffer the taxes and burthens of this over-burthened nation to be

thus destructively increased by an insidious increase in the value of the money in which they are collected.

8. That during the period of the last fourteen years, the truth has been concealed from the public eye, and the pressure of our monetary measures has been broken and disguised from time to time by the relaxations of system which the Government had adopted, and which have had the effect, at some periods, of reducing the value of money to the level which existed during the war; and this meeting is of opinion now, when the truth is exposed to all eyes, and the pressure of our monetary measures is becoming literally insupportable, that it is not to be endured that Government should tell the people that it is too late to retract their steps.

Extract from the Birmingham Memorial to Lord Melbourne, dated Nov. 4, 1837.

3rd.—In the year 1829, more than twenty thousand of us signed a petition to the House of Commons, humbly expressing our conviction, that the great cause of the miseries of the industrious classes was to be found in the act of 1819, commonly called Peel's Bill, which unjustly converted all the paper rents, debts, taxes, prices, and obligations, of this over-burthened country into standard gold, at 3*l.* 17*s.* 10½*d.* per oz.; and humbly and earnestly praying, from that right honourable House, that "either the monetary means of the industrious classes should again be lifted up to a level with their monetary burthens, or that their monetary burthens should be cut down equally to a level with their monetary means." Our humble prayers and representations were neglected by the House of Commons.

4th.—Many of us had presented to the House of Parliament petitions to a similar effect in the years 1816 and 1819, 1822 and 1826, at each of which disastrous periods, the very same distresses and fluctuations existed among the industrious classes, which were undoubtedly occasioned by the monetary measures which the Legislature was at each period adopting, all apparently calculated to aggrandise the wealth of the rich out of the poverty of the poor. These petitions were also disregarded.

6th.—In the month of June last, the united committee of workmen, manufacturers, and merchants of this town, through their chairman, the Low Bailiff, presented to your Lordship unanimous resolutions, representing "that the alternations of apparent prosperity, and of sudden deep distress, which had invariably attended the expansions or contractions of the currency, cannot but suggest to every thinking mind, that to our present monetary system is mainly to be attributed the present general and alarming distress." And representing further to your Lordship, that "it is the imperative duty of the Legislature to take measures for the immediate and effectual relief of such distress, before it should assume a shape which would make all remedies impossible." Upon each of these occasions, my Lord, our humble complaints, warnings, and representations, have been treated with neglect.

7th.—Hitherto, my Lord, this great subject has not been generally understood. The present is about the fifth period of depression and distress which has occurred in England during a period of twenty-two years of profound peace, which ought to have been years of uninterrupted prosperity and contentment. At each period the people have been struck by an unseen hand; their fortunes have been sacrificed, and their industry blasted, by unseen laws. Those laws are now laid bare to the public eye. Corn laws, to make scarce the food which supports man's life; and Money laws, to make scarce the money which purchases the food. Corn laws to aggrandise the landed interest; and Money laws to aggrandise the monied interest. Crushed between this double oppression, the people are either deprived of employment altogether, or they are reduced to half-employment; or they are condemned to give much labour for little money; and then they are condemned to give much money for little food.

15th.—My Lord, it is our duty to make this last and solemn appeal to your Lordship. Your Lordship knows the situation of our country. Your Lordship knows that the perpetual and violent fluctuations, by which we are all injured and endangered, are the inevitable result of the present state of the law. Whenever the present monetary system is enforced, the misery and ruin among the people create such a mass of discontent, as compels the Government to interfere with the Bank of England to relax the pressure. Then the Bank of England, in its own defence, is compelled by the state of the law, to renew the pressure; and thus the most distressing fluctuations are perpetuated. Under the present state of the law, industry cannot be safe without ruin to the Bank of England; and the Bank of England cannot be safe without ruin to industry.

Extract from the forthcoming National Petition dated Aug. 6, 1838.

We are bowed down under a load of taxes, which, notwithstanding, fall greatly short of the wants of our rulers; our traders are trembling on the verge of bankruptcy; our workmen are starving; capital brings no profit, and labour no remuneration; the home of the artificer is desolate, and the warehouse of the pawnbroker is full; the workhouse is crowded, and the manufactory is deserted.

We come before your honourable House to tell you, with all humility, that this state of things must not be permitted to continue; that it cannot long continue, without very seriously endangering the stability of the throne and the peace of the kingdom; and that if, by God's help and all lawful and constitutional appliances, an end can be put to it, we are fully resolved that it shall speedily come to an end

We tell your honourable House, that the capital of the master must no longer be deprived of its due profit; that the labour of the workman must no longer be deprived of its due reward; that the laws which make food dear, and those which, by making money scarce, make labour cheap, must be abolished; that taxation must be made to fall on property, not on industry; that the good of the many, as it is the only legitimate end, so must it be the sole study of the Government.

The hon. Gentleman then went on to argue, that these repeated expressions of public opinion, repeated for ten years together, and increasing in force and determination upon every occasion, demanded the most serious attention of that House. He had shewn that, ten years ago, the Birmingham Union was founded upon the fraud and the cruelty inflicted by the bill of 1819. The Reform Bill was the consequence. The men of Birmingham had given the Reform Bill a fair trial. But they found no justice for themselves, or for their country. In the year 1837, they were forced forwards again, by the cruelties and oppressions which were inflicted upon the industrious classes. For a time, however, they suspended political movements; and, by the combined exertions of Whigs, Tories, and Radicals among them, they made a last effort to act upon an impracticable Government. In the year 1837, they sent three deputations to her Majesty's Ministers. It was all in vain. Then, and then only, impelled by a dire necessity, they set on foot the present formidable combination among the people. And now, twelve hundred thousand men had answered to their call. Was this immense body of injured and exasperated men to be treated with contempt. He trusted not. It was of no use to say that it was too late to retreat. It was never too late to retreat when they were wrong, unless greater evils remained behind them than before them, which, in the present instance, was impossible. The present Lord Spencer had told him, a few years ago, that he acknowledged we had committed a gigantic error in 1819. "But," said the noble Lord, "it is now too late to retreat." To which he (Mr. A.) had answered, "Lord Althorpe, I told you, in 1819, that you were committing a gigantic error; did I not?" "Yes," said the noble Lord, "I will honestly say that you did." "Then," said I "Lord Althorpe, now mark, I that told you, in 1819, that you were then committing a gigantic error, which error you now acknowledge, and which error was then remediable, I tell you that, in now saying that it is too late to retreat, you commit another error, which error is fatal." And thus the conversation closed, with a remark of the noble Lord, which he would not repeat. He (Mr. A.) would now tell the noble Lord (J. Russell), and that House, that it was not yet too late to retreat. If they would but do justice to industry, and permit the industrious classes to live by their labour, they would throw oil upon the troubled waters of discontent, and England would again become prosperous and happy. He would put Ministers in the way of doing it without difficulty, and without wrong to any class of the community, and which would give contentment and prosperity to all. That, he thought, was an object of importance. He cared not which faction did retreat, but whatever faction did, he would promise them they would rule in that House for twenty years to come, and he did not believe that any party, without that retreat, would rule for twenty months. It was the consideration of this state of things which had scared the right hon. Baronet and his Friends from the Government the other day. It was not the honour of three Court ladies; it was not a *petticoat-phobia*, but a *paperphobia* which alarmed them, and frightened them from the Government. It was the terrible spectre of his own bill which *dogged* the right hon. Baronet, wherever he went, and which would *dog* him to his grave, unless, indeed, he had the manliness and virtue to come forward, and to lend his powerful assistance in correcting an error which he assisted to commit. The great remedy for this state of things was this—rectify your currency—and things would be soon set right. All that the people wanted was a fair day's wages for a fair day's work. They wanted nothing more. But the Legislature interfered, and prevented this by its money laws. In conclusion, the hon Member thanked the House for its indulgent attention, and moved his resolutions. They could, he said, do no harm, and might do much good, as the Government might be induced "to mark, learn, and inwardly digest them."

Lord *J. Russell* said, it was not his intention to detain the House by following the hon. Member into his details, for the resolutions were only a repetition of those which the hon. Member had, on more than one occasion, presented, and in which he differed from a great majority of that House, in calling on them to sanction an inconvertible paper currency. The House had on those occasions not only refused to sanction the hon. Member's proposition, but {had passed resolutions of an opposite character. There was one observation of the hon. Member, in the middle of his speech, in which he (Lord John Russell) concurred. It was, that nothing was more injurious in times of financial difficulty or alarm than the passing of resolutions relating to the currency by the House. In that he fully agreed, and as a great part of the hon. Member's speech was founded on it, and as the House had already on more than one occasion pronounced a very decisive opinion on this question, he thought the best way he could now meet it was, by moving the "previous question."

Mr. *Wallace* thought the statement of the hon. Member for Birmingham a fair one, and deserved the serious attention of the Government and the House. The noble Lord was mistaken, in supposing that the hon. Member wanted an inconvertible paper currency. All he wanted was a currency, fixed on a better basis than the present. It was admitted, that within a comparatively few years there had been three changes in the currency. Who could tell whether a fourth would not do good? He thought the subject ought to be seriously considered, for he believed that the state of the currency was at the bottom of all the evils which afflicted the country.

Mr. *Warburton* was of opinion that the proposition contained in the hon. Member's resolutions was an indelicate one. It amounted to this—that men who borrowed at 20*s*. in the pound, wished to pay at 19*s*., and then at 18*s*., and next at 17*s*., and so on to an unlimited series of reductions. [Mr. *Attwood*, "Ay to 10*s*. in the pound if necessary."] He called that a dishonest proposition, and whether it proceeded from Whig, Tory, or Radical, he was sure that the House and the honest people of this country would never agree to it.

Mr. *Finch* contended, that though the change made in the currency in 1819 had worked injustice to one class, another change at present would be productive of equal injustice to another class of the community; but, at the same time, he thought it was incumbent on the Government to take the state of the Bank into its serious consideration.

Mr. *Williams* thought the mercantile system of this country was founded on error, as was proved by the great fluctuations in the price of commodities. It was the duty of Government to take this subject into consideration, with the view of checking inordinate issues of bank notes, and thus preventing those incessant changes in the value of property and the social condition of individuals, to which we were now from year to year subjected.

Mr. *Attwood*, in reply, said, that his hon. Friend, the Member for Greenock, was perfectly right in saying that he (Mr. A.) had never advocated an unlimited paper currency; and he was astonished that the noble Lord (J. Russell) should still appear to misapprehend him, when the noble Lord had heard him, on that very night, and on twenty other occasions in that House, declare, that he cared not a rush whether we had a gold or a paper currency, provided only that our currency, whatever it might be, was made equal to the duties which it had to discharge, and competent alike to distribute equal justice, equity, and prosperity, among all classes of the community. The existing system of the currency had been the sole cause of all the fluctuations, difficulties, and distresses, which the industrious classes had endured for more than twenty years; and, terrible as had been its results, the country had not yet witnessed one-tenth part of its ultimate effects. Mr. Huskisson had told them, a few years ago, that they were brought within forty-eight hours of a state of barter. Did the House know what a state of barter meant? In a country like England, it meant universal anarchy; a state of things in which every man, who lived at all, must, of necessity, live by blood and plunder. And did they think, that hiding their heads, or closing their eyes, or their ears, would prevent this fearful state of things from still hanging over them? Every year it assumed a more difficult, a more complicated, and a more dangerous shape. It must be grappled with, and overcome, or the doom of England was sealed. Let the House only reflect upon what would be the effect of another bad harvest in the present year; a misfortune quite possible, and he feared, from what he had heard, not improbable. How long would the four millions of gold last them? And, when all the gold was gone, did they mean at last to give a Bank Restriction Act, or to leave the Bank of England to protect itself, and, by making paper money as scarce as gold money, to send a general ruin throughout the land? To use his old figure, did they really mean to act the part of an unskilful surgeon, who, having opened a main artery in the right arm of his patient, and finding the vital fluid streaming out of the circulating system at a fearful rate, very gravely proceeded to open another main artery in the left arm, in order, as he thought, to equalise the circulation. No doubt he would equalise it; but he would inevitably produce syncope or death. And yet this was the doctrine of political economists. When the gold money was driven out of the circulating system, the economists of the present day, instead of supplying its place with paper money, in order to supply the wants of industry, very gravely proceeded to drive the paper money out of circulation also, and thus a double ruin was set in operation. But what most astonished him that night was, to hear his hon. Friend behind him, the Member for Bridport, have the confidence to attribute dishonesty and fraud to his (Mr. Attwood's) views, because they probably involved a rise in the price of gold. Why should not gold rise, like other things, if society had assumed a shape and a state in which the old price of gold was no longer competent to administer justice, equity, and prosperity, among the different classes of the community? The hon. Member knew that the magnitude of the artificial public and private debts existing in the country was so enormous, that if full payment were required in gold of the old standard, it would be found that the Almighty had never created gold enough for the purpose, either under the earth, or over the earth; and yet the hon. Member was like a foolish child playing with hot embers, and crying every time it burnt its fingers, and then playing with them again. Why could not the hon. Member learn by experience, and abandon his foolish and headstrong attempts to accomplish impossibilities? But the hon. Member spoke of dishonesty and fraud, and pretended that some kind of contract existed, under which the national debt, and all private obligations, must be discharged in standard gold, whether nature has created a tenth-part of the gold, or not. Did the hon. Member mean to assert that the fraud or justice of contracts is to be estimated by the intrinsic weight of bullion contained in the instruments of money? If so, he (Mr. A.) would ask him, in what money was the National Debt contracted—in gold, or in Bank of England notes, not containing more than one farthing each in intrinsic value? The National Debt amounted now, to thirteen hundred millions sterling, including five hundred millions bought up by the commissioners of the Sinking Fund. Of this, the sum of one thousand and twenty-seven millions sterling was borrowed by the Government during the Bank Restriction Act, when the intrinsic value of the non-convertible Bank note was not worth one single farthing. Here, then, upon the hon. Member's own theory, he was exacting from this plundered, swindled and oppressed people, the intrinsic value of a heavy sovereign, where the intrinsic value of one-farthing only was ever advanced, or ever contracted to be repaid. The hon. Member thought it no dishonesty, and no iniquity to take advantage of a subtle quibble of the law, and to exact the payment of his unjust, and fraudulent, and impracticable, and murderous bond, out of the throes and the agonies of a suffering and exasperated people. He (Mr. A.) could not help calling to mind the old story of the Jew, and his pound of flesh; and he could not help saying, that on the present occasion, he should have no objection to enact the part of Portia; and he would say to the hon. Member for Bridport, " Here, Jew, thou shalt have thy gold, drawn from the blood and tears of the people; it shall be of full weight, and of full fineness; but it shall be melted gold and poured down thy throat!?" The hon. Member could see no dishonesty in compelling the industrious classes to pay a cent. per cent. increase of their debts and taxes, under the solemn assurance that such increase should be only four per cent. The measures which he supported had deprived millions of the industrious classes of their independence and of their bread. In many parts of the country, these measures had left the workmen with only three days work per week; and compelled them at the same time to give a double quantity of the products of their labour in the payment of their rents, debts, and taxes, and thus their burdens were increased 400 per cent. instead of four per cent., and yet, when he (Mr. A.) proposed to rectify this enormous and murderous fraud, and to relax the infernal talons which are now driven into the nation's throat, the hon. Member behind him had the confidence to cry out "dishonest!" With regard to himself, he begged the House to understand, that in all his actions upon the currency he never contemplated going beyond the level of depreciation and of prices which the present corn laws were intended to impose. Remunerating prices were undoubtedly necessary both in agriculture and in commerce and manufactures, or society could not exist. But there were two ways of obtaining remunerating prices; one, by diminishing production, and the other by increasing consumption; one by diminishing the quantity of the comforts and necessaries of life in the markets, and the other by increasing the means of purchase and consumption in the markets. By one plan the people were made wretched and miserable. By the other, they were made prosperous and happy. By the one plan, millions of mouths and naked backs were left hungry and naked; by the other, both the food and clothing were readily transferred into the uses of the people. It was this kind of prosperity which he (Mr. A.) wished to establish throughout the land. He did not wish for one branch of society to flourish at the expense of another; but he wished for all to flourish equally and securely together. He wished for the people to have such a kind of money in circulation as would enable them to pay remunerating prices for all the food which could possibly be grown in England, and for all which could possibly be imported from all the countries in the world. He thought he had sufficiently proved the truth of the resolutions which he proposed. He had shown that the exportation of gold was at present very large, and rapid in its effects; that it compelled a general and very large contraction of the whole circulating system, that it thus produced very great and general increased distress among the industrious classes, that the Bank of England had no means of permanently relieving it, and that it was absolutely necessary that Parliament should interfere in due time. He thanked the House for their patient attention, and as he was urged by his Friends around him, he would be content with a simple negative of his resolutions, and he would not press the House to a division.

Resolutions negatived.

HOUSE OF LORDS,

Friday, May 31, 1839.

MINUTES.] Petitions presented. By Captain the Marquess of WESTMINSTER, Earls of HAREWOOD, and WICKLOW, Lords ASHBURTON, ELLENBOROUGH, DACRE, and a number of other noble LORDS, from a great number of places, for a Uniform Penny Postage.

THE MINISTRY.] Viscount *Melbourne* moved the adjournment of the House.

The Earl of *Winchilsea:* My Lords, before the motion of the noble Viscount is put, I must pray your Lordships' indulgence for a few moments, while I offer some brief observations, in the hope of eliciting some information from the noble Viscount at the head of the Government, as to the principles which are to guide his Government with respect to our foreign, our colonial, and our domestic affairs. My Lords, under any circumstances under which the members of a Government thought it their duty to resign the high offices of trust which had been confided to them, into the hands of their Sovereign, I should be prepared to contend, that the people of this country had a constitutional right to expect an explanation and a statement of the grounds that led to such resignation. My Lords, I am equally prepared, when the same individuals return to the same offices which they had abandoned, to contend, that the country has a fair right to expect and to receive information as to what are the principles of that Government; because, my Lords, I am prepared to contend, that the public announcement of the abandonment of office, and of that resignation having been accepted by the Crown, put an end constitutionally to that government. I am, my Lords, also prepared to contend that, under the existing circumstances of this country—for at no time was change of Government so frequent as it had been of late years, which, I think, is much to be deplored—knowing that the evidence of the history of past ages, and the experience of our own times, have unfortunately taught us that continual and frequent changes tend to shake public confidence, to unsettle the public mind, and thereby to prejudice the interests of the people, as well as the authority of those who rule over them—I will ground my statement and my appeal to the noble Viscount, upon the declaration which he has himself made, as to the grounds on which he surrendered the offices which the noble Viscount and his colleagues held, into the hands of the Sovereign; and for fear I should mis-state any thing that fell from the noble Viscount on that occasion, I will read the words in which the noble Viscount made that declaration, and I will further state, that I did at the time think, and I still believe, that in expressing his sentiments on that occasion, the noble Viscount expressed those of the great mass of his fellow-countrymen, when he stated that he thought he was in a situation in which he could no longer hold the reins of Government, either with honour to himself, or with advantage to the throne, or to the general interests of this great country. What was the statement then made by the noble Viscount? He stated, that

> "In consequence of the vote to which the House of Commons has come this morning, and which your Lordships may all see by the votes of that House of Parliament—a vote which, though not immediately fatal to the measure against which it was directed, yet, at the same time, is one which it must be obvious to all who are acquainted with Parliamentary proceedings is such, as that they must know that it is of such a nature or kind, as to render the final success of the measure totally impossible; and considering, my lords, the measure as of the highest possible importance, of the most paramount importance to the welfare of the great island to which it related, and to the working out of the great measure of negro emancipation, which was voted by both Houses of Parliament with so much satisfaction, and for which such great sacrifices were made; considering, I say, this measure of the utmost, the most paramount, and indispensable importance for that great object; in considering, also, that the vote on this occasion is not only necessarily fatal to the ultimate success of that great measure, but that it also does with sufficient clearness and distinctness indicate a want of confidence on the part of a great proportion of that House of Parliament, as to render it absolutely impossible that we should continue to administer the affairs of her Majesty's Government, in a manner that can be useful or beneficial to the country, and which render it impossible that we can take measures of energy and importance that are absolutely required by the situation and circumstances of the country; but which, my Lords, if they are taken, allow me to say, that then there is no danger or peril whatever to be apprehended in any part of the conflicting and difficult matters of this country."

My Lords, here I am prepared to rest my appeal to the noble Viscount, and to ask him, if the same principles which directed and guided the Government, which I maintain, was constitutionally extinct upon the resignation and the acceptance of the resignation of the noble Viscount and his colleagues by the Sovereign—to ask, my Lords, if the same principles guide, and influence, and direct the present Government, as directed the late Government, of which the noble Viscount was the head—which Government, I have a right to say, taking the noble Viscount's own declaration, has not the confidence of the other House, and consequently cannot carry on the business of the Government, either with benefit to the Sovereign, with interest to the country, or with that honour and dignity that becomes the Ministers of the Crown? It is, my Lords, impossible for any man, who takes a view of the situation of this country, whether as affecting our foreign relations—whether as affecting the fate of our colonies—or whether as affecting the internal state of the kingdom—without having just cause of fear and apprehension, that this country stands in the most imminent danger. My Lords, as respects our foreign alliances at the present time, compared to the state in which we were at the termination of the last war, I fear it will be found that many of our old alliances, which bound us to foreign countries, if not broken up, are so shaken, that those countries cannot be expected to be found fighting with England, if, unfortunately, we should be involved in foreign war. It is impossible to see the attitude that some of the powers of Europe are taking, without fearing that this country will soon be hurried into a war of which no man can conceive the consequences or the termination. But, my Lords, let me turn from our foreign affairs, and look to the state of our colonies. Let us look to the East and to the West—let us cast our eyes over the foreign possessions of the country—and I ask, will any man in this House, or out of the House, have the boldness to say that there is not just cause of fear and apprehension—that the spirit of rebellion and insubordination which has prevailed in a great part of our colonies, does not justify alarm and apprehension as to the security and maintenance of those colonies? If the Government of this country—for, my Lords, I know not what measures the noble Viscount alluded to when he made his declaration — whether they are measures affecting the colonies or the internal state of this country—for if we look to the internal state of this country, whether as relates to Ireland, where there is at this moment an organised state of rebellion and conspiracy to destroy the English connection—or if we look to that most fearful conspiracy that is going on in this country—a conspiracy which, I believe, your Lordships have little idea of its extent, or how long, or how fearfully that organization has worked for the last five years—I say, my Lords, if we look to all these things, and have a Minister of the Crown declaring, that he is not in a situation to carry out those measures of energy which are of the greatest importance as affecting the peace, the tranquillity, nay the very existence of this country—I ask your Lordships and the country whether I have not a right to expect at the hands of that Minister some declaration, some statement, when on the 7th of this month he made a declaration that he could no longer carry on the affairs of the Government with honour to the Crown, or with security to the interests and the welfare of the country? One of two things is clear: either there has been an abandonment of principle on the part of the Government, or on the part of some portion of its supporters; for the Government is, we know, supported by three distinct parties. There is one party which I hope—and, my Lords, I still cling to the hope as the only one in which I see the future safety of the country—the hope that, although I think that they are greatly mistaken in many of their political opinions, and the principles which they advocate—yet I hope and I believe that there is one large portion of the noble Viscount's supporters who are constitutionally attached to the institutions of the country. But, my Lords, there is another party, the members of which have openly declared, that they are bent on revolutionizing the country, and overturning the form of monarchial government under which England has been so happily governed, and which has given to the people of this country the greatest extent of civil and religious liberty that has ever blessed any nation. There is a certain portion of those to whom political power has been conceded belonging to the Roman Catholic church—and my Lords, I give them credit for it—for if I were a conscientious member of that church, I should feel bound to do the same—who use all their power, and exert themselves to the utmost, for the restoration, not only of religious, but civil power to that church. My Lords, I may be mistaken, but I think that the Chartists in England will be found hereafter to have been allowed to go too far. I believe there is an organised confederacy going on throughout this country to render the people of England disaffected, and to bring them into a state of revolution. My Lords, when such a spirit is showing itself, we ought to have a firm, constitutional, and united Government; but not supported, as the noble Viscount and his colleagues were supported, by men who advocate opinions and measures that must prove detrimental, not merely to the peace and tranquillity of this country, but to the peace of Europe. My Lords, I deeply regret the advice which was offered by the noble Viscount to his Sovereign upon a misunderstanding on the part of the Sovereign, which led, I will say, to the downfall, or rather which prevented the formation, of a Government which, I believe, would have discharged ably, honestly, and constitutionally, the duty of governing the affairs of this country. I say, again, that I have no party but my country, and the measures which I advocate have but one object, and that is the general welfare and happiness of the country to which I am most devotedly attached. But if our situation is such, that a Minister of the Crown comes one day and makes a declaration that he no longer possesses the confidence of the representatives of the people so as to carry into execution those measures which he thinks absolutely necessary for the welfare and security of the country. I do say, that the time has arrived when I may fairly and constitutionally, in the name of the people of England, call for an explanation from the noble Viscount at the head of the Government, and ask him to state why he is better prepared now, and better able to carry on the affairs of the Government, than he was a few days since.

Viscount *Melbourne.* My Lords, the observations which the noble Earl has made, render it necessary for me to take up your

Lordships' time, for a very short period, with the few remarks I have to make in consequence of those observations. I certainly entirely admit that the noble Earl, and the House in general, and the country also, have a perfect right to expect from me an explanation of those circumstances to which the noble Earl has adverted; but, my Lords, I think, considering the whole of the speech of the noble Earl, and considering the whole of the circumstances he has stated, that I have already given to your Lordships that explanation. I have already stated to your Lordships the grounds of my resignation; these grounds have been perfectly well understood, and completely apprehended, and most distinctly and accurately stated, by the noble Earl. I stated, also, very shortly, very plainly, and very distinctly, those circumstances which induced me to resume the situation which I hold—circumstances which have been already discussed in both Houses of Parliament, and to which I will not again advert, but circumstances which allow me to say in the continued existence of the state of things which caused my resignation, notwithstanding the continuance of the difficulties by which the Government was surrounded, yet circumstances of such a nature as made it impossible for me with a due regard to the interests of the country, which made it impossible for me as a man of honour, and a man of feeling, to act in any other manner than I have done. My Lords, this is the explanation which I have to give of the conduct which I have pursued, I am prepared to admit that the difficulties with which I had to contend, as far as I know, are still undiminished; sure I am, that they have not been diminished by any abandonment of principle on my side, and sure I am that the Government will not be conducted on other principles than those on which I understood it was originally formed, and on which it has been throughout conducted. Those principles are principles unquestionably of progressive reform, adopting every measure that is for the good and the advantage of the country; but certainly I never have been, nor am I now, for purchasing or obtaining support by bringing forward or supporting measures contrary to my opinions, or contrary to my conscience. That is what I understand to be the general principle on which the present Government is founded. I am not myself a very great friend to declarations of general principles on the part of Government. They are so extremely obvious, and in themselves so very universal, as in fact to be admitted and professed by every Government, and they have the disadvantage of being interpreted by every body according to his feelings, and according to his own wishes and opinions, and often produce subsequent difficulty and subsequent embarrassment, and subsequent disappointment. I am, therefore, perhaps not a friend to such general statements, but at the same time I admit, upon an occasion like the present, that it is perfectly necessary. As the noble Earl has stated, that some declaration of this nature should be made, I think upon a former occasion I stated that there were censures to which I was differently sensitive, but I think I am the most sensitive of all to the censure of having deceived any one, or of having given a notion that I professed opinions which I did not really hold and maintain. That cannot, I trust, be said of me. My opinion on most of those subjects and principles, the discussion of which agitates the public mind, are perfectly well known. They were perfectly well known in 1835, just as well known as they are at present. It is, therefore, not necessary for me to declare or repeat them on the present occasion. I can only say, that to all those measures of Reform which I conceive to be really measures of Reform, I am a warm and an anxious friend, but I am not prepared to adopt measures contrary to my feelings, contrary to my opinions, contrary to my conscience, for the sake of obtaining any support which they might obtain. The noble Earl has adverted to the difficulties with which this country is surrounded, both internally and externally. I do not mean to extenuate the difficulties that prevail even in this country. I do not mean to extenuate the danger that exists from the feeling of disorder and tumult that has been raised and is existing within the bosom of this country. I conceive that at the present time, at which I, like others, have not been an inattentive observer of the feelings of the people, there is something of a nature that is new; there is a symptom at the present day, I know not whether more or less dangerous, that whereas in former times those designs were always glossed over with something of an intended measure of reform and remedy; in the present day there has been unquestionably at public meetings, and upon the part of persons of no small influence and no small power, open professions of an intention to plunder, violence, and bloodshed. I know not as I before said, whether this be more or less dangerous; I trust it is less dangerous, because if it be more dangerous I must suppose that this country is infected to its core, and that it is impossible almost to hope for salvation in any course of measures that can be adopted, I admit my Lords, that there are great difficulties also of a foreign and external nature—difficulties which have been adverted to by the noble Earl, and which necessarily call for your Lordships' serious attention and consideration. There are difficulties in many parts of the great and extended empire which has been committed to your Lordships' guidance, various parts of which are actuated by a discontented feeling, and the seeds of disorder must necessarily be expected to be germinated and to show themselves. A great change has lately taken place in the constitution of this country; yes, my Lords, a very great change has taken place of late years in the constitution of this country, a change which has excited very considerable alarm in the minds of many who have had great experience and great knowledge of public affairs. What, my Lords, was the opinion of one of the ablest and most experienced statesmen in Europe with respect to those changes? Why, that they might do very well for times of peace—for times of tranquillity—for times when there is no great financial difficulty; but let difficulties arise, let us be involved in war, let us find the pressure of pecuniary difficulty, and we should see how our new constitution would work. My Lords, the remedy for that danger, if danger there be—must be found in the prudence, the wisdom, the firmness of Parliament; in the entire absence of party, and in the manner in which Parliament discharges its duty, I trust and hope that the expectations which I have referred to will be disappointed, and that those changes in our constitution will be found to act well at all times, and that we shall be prepared and ready to meet all exigencies and all difficulties; but unless there are wisdom and firmness on the part of Parliament, and on the part of the people, prudence and a due regard to common sense, unquestionably it will not be easy to obviate the difficulties in which in the opinion of some, the country is exposed. My Lords, I have stated the reasons why I have resumed the Government, and, in fact, I have, I believe, essentially and virtually answered the questions that have been put to me by the noble Earl. With respect to the result of what has taken place, I am anxious, undoubtedly for the great interests committed for the present to my charge—I am anxious for the sake of the country, but with respect to myself I am very little anxious. With respect to the country in general, I know not who are the persons best fitting for the exercise of power within it. It is represented by Bishop Burnet in a conversation which he had with King William, a man of the greatest prudence, and of a most impartial mind, that King William said, "I am considering the question between a republican and a monarchial government, and I do not know which is best. I think a great deal is to be said on both sides; I think a great deal may be said for one as well as the other, but though I cannot tell which is the best, I can tell which is the worst, and that is a monarchy, which has not the power to carry into effect those measures which are necessary." I am sure, my Lords, I do not know which is the best ministry, or which is the worst in itself considered; but this I do know, that unquestionably the worst ministry is that which does not possess sufficient of the confidence of Parliament and the country to take those measures which are necessary for the safety of the country, but I trust, that for the benefit of the country, if there is a deficiency in that respect, the wisdom and prudence of Parliament and of the country at large will remedy the defect.

Lord *Brougham*, My Lords, many considerations well nigh dissuade me from taking any part in the discussion which has arisen; the part which I have always taken in common with my noble Friends near me, upon almost every occasion joining with them the habits of official intercourse which for four years prevailed between us, the long and sincere personal friendship which has attached me to them, and which still unites me with them, unbroken by the incidental circumstance of my having ceased to be in office with them, unimpaired by any political differences that have arisen within the last two years; but my devotion to what I deem the service of my country, my deep sense of those interests, which I firmly believe to be nearly touched by the present position of the administration, my anxiety to discharge my public duty, without regard to any personal hazards or feelings, have overcome those motives which would have imposed silence upon me, for those motives have been greatly increased by the singular peculiarity of our present position, which, though not adverted to by my noble Friend (Viscount Melbourne), formed the sole subject of the observations and statement of the noble Duke opposite, on the occasion to which my noble Friend has referred the noble Earl, as one in which he gave, as he flatters himself, a complete and satisfactory explanation of the phenomenon in the political world of which he is the subject, and on which the noble Earl is the commentator; but with that, a peculiarity has been mixed up, and studiously mixed up, by all my noble Friend's supporters out of doors, by all the Ministerial Members who have addressed their constituents, by all the most powerful of the Ministerial supporters in both parts of the empire, who have addressed large bodies of their fellow citizens, and all without exception tending to augment the difficulties, and to exacerbate the feelings of the people, as all those exertions and efforts to support and prop up a falling administration have uniformly centered, had their beginning, continuance, and ending, in one topic, and in one topic only; not a measure, not a principle, not an opinion; not anything that has been done in Parliament, not any course of measures or policy professed to be pursued henceforth in Parliament, but the name of the Sovereign of these realms has been put forward as their only argument; it has been brought out and tendered to the country in lieu of all explanation, and the private, individual, personal feelings of that illustrious Princess have been made the topic of every riotous meeting after meeting, of every still worse meeting of mobs, and of all the demagogues who have set to work to support a sinking administration. They have nothing to say of themselves; they have no measures to promise; they have no defence of their policy to make, but the cry of "The Queen! the Queen! the Queen!" The feelings of their Royal Mistress, the bedchamber quarrel with respect to promotion, and to sum up all in one word, and that fairly and impartially in the words of a friend of mine, but no kinsman; but of a friend of my noble Friend and his kinsman also, his private Secretary and nephew, who stated that Sir R. Peel's formation of a government was defeated by two ladies of the bedchamber. I know that those feelings are natural in men and women, and I know that an appeal to such feelings in this country is never made in vain, but I also know, that at this moment I feel deeply impressed, though not oppressed, when I think that the discharge of my public duty is trebly difficult to me without incurring the hazard of giving offence elsewhere in a high quarter; for that is the unfair, the unmanly nature of the question; and we are called upon to discuss great questions of State, to consult touching the affairs of the whole realm which is committed to the care of the Queen, and at the same time we are called upon to discuss them upon terms, for so the issue is put, which makes whoever doubts or dissents from Government, incur the hazard of being taken to make a personal, invidious, and offensive opposition to the Sovereign. As I know my own heart on this question, as one of those servants who are most devoted to her service, and who feels the most profound veneration for that illustrious Princess, because I entertain feelings of the deepest gratitude for those kind acts of condescension with which from her and her illustrious family I have uniformly, without the slightest interruption for one instant, I have ever been received; I know, because I do not feel anything that a man ought not at once openly and publicly avow upon this delicate and painful topic; and I also know, that there is so much justice, so much kindliness of feeling, so much inflexible candour and integrity swaying the royal bosom, that my motives have no risk of being misconstrued, and that the mean and dastardly attempt to mix up this question, not indeed in the case of my noble Friend, but in the case of many of his supporters out of doors; I say I am absolutely certain, that as far as I am concerned that attempt will fail. Yes, that attempt will fail in the high quarter towards which it was on the one hand pointed, and that it will fail in another—it will fail if it was meant to deter me as well as others from the discharge of a public constitutional duty. He entirely agreed with the noble Viscount that general avowals of principle made by men possessed of the powers of Government were not greatly to be commended. His noble Friend illustrated the position in his own practice; his avowal was in fact little better than nothing—a mere vague, fruitless, useless generality, and might be made by one man just as well as another. There was not a single word in it which he, although differing in some material points from his noble Friend, could not have altered—not one word which the noble Duke, or his noble and learned Friend opposite (Lord Lyndhurst), though differing still more from the noble Viscount, could not have re-echoed. What was the noble Viscount's profession of his principles? "I am a friend," said the noble Viscount, "to all progressive improvement;" who ever heard of any one getting up and saying, "I am a friend of all retrograde movement." "Then," said his noble Friend, "I am a friend of all safe measures of reformation, if you will only prove them to be such;" would not the noble Duke say the very same thing? "I am a friend of all measures of reformation which you can prove useful and safe." Then came the qualification, and each would just add the same qualification, which told them absolutely nothing —"I am against giving up my conscientious opinions on important questions in order to conciliate any support." Really he believed anything more safe or more simple than this kind of political *placebo* never was heard of being administered to a deliberative assembly. It happened, with respect to the great political questions that occupied men out of the House at the present day, that the noble Viscount had left them at the close of his statement precisely as they were at the commencement. The noble Earl opposite put a question to the noble Viscount and expressed a hope, that it would be satisfactorily answered. Now, he must say, that he never heard a question, that was more plain or more easily to be answered, if an answer was to be given, but he had never yet heard an answer that answered so little. The question was precisely where it was. As to the future conduct of the Government, it was left precisely in the same state of doubt in which it had been before his noble Friend addressed their Lordships. He now, however, came to a different ground—it was one, that had been adverted to by his noble Friend, who had spoken that night of the great difficulties with which the country was surrounded; his noble Friend had referred to their external relations, and to the difficulties that presented themselves at home in many of the manufacturing districts—to the difficulties they had to encounter in the colonies—in more colonies than one; but then he had said on the 7th of May, that though those difficulties were various, there were none of them which a vigorous Government might not conquer. His noble Friend had not that night disavowed this opinion, he had marked his observations, as he believed, that it was supposed, that he had disavowed them, but, he must say, that he did not think, that his noble Friend had differed in his statement that night, from the statement he had made on a former occasion. But then his noble Friend had expressed an opinion which his noble Friends and he, knew was entertained by men of very great weight, and of high authority as statesmen both at home and abroad. They had both thought and said this—he knew it perhaps better than his noble Friend, that their new constitution, as they called it, of 1831, might do very well for fair weather; but, that it might be a very different thing if a tempest had burst against the constitution, either in a foreign war, or in domestic convulsion, and above all, in a pecuniary convulsion; and something had been said by his noble Friend, which showed, that he was rather of that opinion himself. If such was the case, then he was of a different opinion. It was a matter of faith with him, that the new and the reformed constitution was as well fitted for the storm as the calm. Upon that subject he had long and deeply considered, as far as he could go deeply into a question, and the opinion at which he had arrived was this, that they might entertain no doubt, hesitation, apprehension, or alarm whatever. He said, that if it were good for the calm, it was yet better for the tempest. He said, that in smooth water, the vessel which was well trimmed, and well found, and well manned, and all her rigging tight, and all her timbers sound, by having with her the hearts of the people, and the goodwill of the constituents in the other House, and the good inclination of their fellow subjects in this House, was still better in the tempest, where the more stress was laid on the sails, for then the rigging and the timbers, and the repairs which they had made, and the bold hands they had placed in her, would prove, when there was a necessity for their exertions, and when they were most wanted, that they would not shrink; and those repairs would become the more invaluable, because they were the more necessary when the storm began to beat against the bark of the constitution. He knew he did not share this opinion with a majority of their Lordships he feared he hardly shared it with his noble Friend himself. But, however that might be, he perceived by the ominous silence of those who surrounded him, that his noble Friends who used, in former times, when it served the purposes of the hour, now participated in the opinion, though they were then the great advocates and the leading assertors of reform doctrines. He was afraid, that that was the case. He hoped it was not so, and that he was, in entertaining the opinions he had expressed, not to stand almost solitary in that House, when he declared, that he looked for the safety of the country under the Reform Bill which they had passed five or six years ago. But let that be as it might, he stood undismayed—his position might be displeasing, but to him it was not new; he had frequently stood up alone in that House, when a measure was proposed in it, to oppose it. There were many occasions on which he was not supported that he believed others were now sorry they had not supported him at the time. There was, for instance, the Canada question, on which, if he had been supported, he believed matters would not have gone to their present length; but of that enough for the present. The opinion to which he steadily stood, was this, that if the Reform constitution was good for ordinary occasions, it was still better for such occasions as his noble Friend had adverted to; although, God forbid, that either should live to see the day in which the bitter calamities should occur, in which they must have the full experience of its efficacy. He felt, he must say, that an answer should be given to his noble Friend's observations, when he said, that there were difficulties existing abroad and at home, in the colonies and the mother country, which did require a Government that was deserving the name of a Government, which, in order to grapple with all these difficulties ought to have the confidence of the Houses of Parliament; and this brought him to the question, which had been put to him by his noble Friend. How did it happen, that his noble Friend in that House, and another noble Friend in the other House of Parliament, should have declared, that they had lost the confidence of Parliament, that they had lost the confidence of the other House of Parliament, and that as to this House, as they never had possessed, they could not lose it, and that they had no hopes of being supported in the country, or they should have had recourse to the usual expedient in such cases; but, having lost the confidence of all, they had the undoubted support of the Crown; and thus they determined, that for these reasons, and under these circumstances, they gave up the Government surrounded with difficulties both at home and abroad. This happened on the 7th of May, and then on the 13th of May, or it might be the 14th—upon that very day week, his noble Friend in the very same place came forward and stated, that notwithstanding all he had said the week before, he was about to resume the Government, and therefore meant to ask of the House to adjourn for ten or twelve days. Many thought, and he was amongst the number, that when in the middle of the Session, and when hardly any business had been done, and when it was so much out of the ordinary course, the Whitsun holidays generally lasting but for two days, and one day for the birth-day, that asking for so long an adjournment must betoken the intention of considering the constitution of the Government, or of altering its policy; and as they had lost the confidence of a great part of their supporters, they were about to occupy a week in taking measures to restore their confidence, or of appealing to the country. He no more doubted this, than that he heard the question put from the Woolsack. Their Lordships would never have consented to the adjournment, except it was with the supposition, that it was to afford time for making a new Government. Then there would be a good reason for it, as, in that case the necessity was urgent, but if after a Government had been made, if it continued as it was before the crisis took place, he did not see why there ought to have been the delay of ten or twelve days. The delay must have been either for the Government to alter the course of proceeding —perhaps to alter its constitution, or to enable its supporters out of doors to get up an outcry—to raise a clamour—to make an appeal to the ignorant mob, to make an appeal to that mob who were naturally not very knowing in those matters, and to urge and enforce such an appeal to them, by the grossest and most scandalous misrepresentations, and he could conceive that by such unworthy means an attempt would be made by those who could not gain the confidence of Parliament, to obtain at least, by delusion, the confidence of a part of the country. This was a very intelligible, though not a very creditable course of proceeding. It was not, he was sure, the intention of Government! They must have had some other object! But although that was not their intention, still that was the way in which the ten or twelve days had been so used by their supporters. Meetings were got up in all the corporate towns, and in the counties. There were meetings of all the corporations, beginning with the towns of Liverpool and ending with that of the common council of the day before. The battle had been fought throughout the land—it had been fought everywhere, and with various success. The noble Duke opposite, who knew more of these contests, might not say with various success; for he must say that he never knew a cry raised upon any public occasion which failed more signally than this. At Liverpool, a person arrived the same night on which the Government was restored, and he declared they were about to call upon their former supporters—that they were about to propose a new set of measures, and to throw overboard for ever the finality doctrine, and to look only to the progressive doctrine of reform. Upon this assertion they held a meeting at Liverpool, they voted an address, and at the same time they said to their informant, "if we are deceived, you shall see what you shall see." The person who said this was one of very great note, of very great ignorance, or of very great fancy. It was true that his hon. Friend had seen a deputation, but then he had given them no answer. Then, any thing more untrue than that on which the Liverpool address was founded there could not be. As to Yorkshire and other parts of the country, he had the authority of a noble Friend of his—a Whig, too, and a supporter of the present Government—who declared to him that "he never knew such a failure in the country." How had these attempts at excitement been made? The ten imes reported falsehoods, ten times distinctly contradicted, ten times amply and intelligibly exposed by statements, the real truth of which could not be controverted—all these falsehoods were brought forward—all truths were perverted, that they all might reproduce ten thousand shoots of lesser fabrications; and upon them were grafted slanders the most despicable, though the most ridiculous and contemptible, and which surpassed all the tricks of all former factious proceedings; and yet not the less indecent, because they depicted the malignant, false, and corrupt nature in those who would make them the subject of their discourse or in those who could patiently sit and listen to them. He deeply regretted that he had lived to see the day when a great name should be mixed up with such falsehoods; it showed him, for the second time, what he had once before told their Lordships, that common reason, and common sense, and common charity, were no longer to be found hereditary in families which in former periods of their history were illustrious for all that reason and sense, and charitable and kindly feeling, with which man's nature can be adorned; and which were combined with that genius and that spotless integrity which once made the name of Henry Grattan to shine with surprising brilliancy and lustre. But he should say no more of slanders, which might be ascribed to weak tempers and to weak minds. He should no further assail them; but there were others for whom, neither on account of past or of present time, did he feel any such sentiments of tenderness or pity. He warned his noble Friends who would not give up their conscientious opinions to win support from others, that they ought now, for their own sakes, plainly to express their disgust at these things; he warned them not to suppress their feelings with respect to such baseness from any fear of losing any of their supporters. Let them, he said, be well advised, that if they persisted in treating with such persons, they would themselves be deserted—that if they truckled to such persons, they would be themselves abandoned; that if they associated with such persons, they would be despised; that if they promoted them, they would be opposed; that if they contaminated the bench with them, they would be impeached. The honest and the manly course was open to them. He knew the difficulties of their situation; but then they ought to refuse from calumniators the hateful and foul offerings of their praises—they ought not to join hands with those whose contact must contaminate them—they should prefer hostility to support from certain quarters—and think an alliance more dangerous than the hostility of those whose fulsome flattery it was harder to bear than their foul abuse; for such was the feeling of the sensible and honest portion of the community, that the slaver was more pernicious than the tooth. Then he came again and he asked the question, after having dwelt upon the history of the last twelve days, and the failure of the attempt which had been made, he put the question of the noble Earl, which had not yet been answered. What was there now, on the 31st of May to show that the Ministers had more of the confidence of the House and the country than they had on the 7th of May, when they resigned? That was the question which was yet to be answered. He was most anxious to see an end to the finality doctrine, which had occasioned his opposition to the Government. He was anxious again to extend to them the right hand of fellowship, and to co-operate with them for he had never ceased to be their friend personally. He had that feeling, and it was that which induced him to hope that they really did mean to make such a change in their policy. He knew that supporters of theirs, at the meeting he referred to, had made a statement to that effect, and that Lord John Russell, the great supporter of the finality principle, was about to retire—never was there so foul a slander as that which thus referred to Lord John Russell; for if there were a stout Reformer in the cabinet, Lord John Russell was that Reformer. There was not one of the colleagues of Lord John Russell who did not participate in his opinions upon the finality principle. They were, he was sure, too manly to deny this. He knew the fact of his own knowledge—he first of all heard it from those who had it from themselves; besides, if these were not their opinions, they ought to have said so, and not to have let him over and over again charge them with agreeing with Lord John Russell, and never once giving an explanation. The fact, however, could not be denied, that the whole of the cabinet was of the same opinion with Lord John Russell, with respect to the finality principle. But then they might have abandoned that opinion; they might have reconsidered it. He hoped and prayed that they might abandon it, and he knew, and so did every noble Lord in that House know, that such was the strong feeling of Reformers, who had fought in the same ranks with them. Such was his and their hopes; but they had been dashed by the opinions and the generalities which they had heard that night. Nevertheless, he lived in hopes that they would be speedily brought to bear. It was on this account that he supposed that Ministers themselves would have been led to consider the basis on which their new Government was to be placed; for new it was to be called, on account of their former declaration, that they had lost the confidence of Parliament, and therefore were to stand upon a totally different foundation; and he was quite sure that it would be a constitutional one. This he supposed; for, from all he had ever heard or dreamt of, he never thought of any, and above all, a Whig Government, standing upon such a one as the present—namely, a bed-chamber question—a question of personal feeling towards the Sovereign; or that they should have resolutions calling upon them to stand by their Sovereign, and attacking others for attacking the Sovereign, and a rallying cry to defend their Sovereign. That was the ground for resuming office, upon which the Government now stood, and it was, too, upon that ground they appealed to the country for support. One of the first falsehoods in support of this plan, which was spread all over the country, had been this, that an attempt had been made by Sir Robert Peel, to deprive her Majesty of all her ladies of all kinds. He had seen this over and over again stated, and anything more false or more foul, had never been uttered or printed. There had been a misapprehension in the breast of the Sovereign, which his noble Friend had admitted; but what was the advantage of satisfactorily contradicting it in Parliament, when they saw a Ministerial Member declaring in public, that an attempt had been made to violate the sanctuary of the Sovereign, and to drive from her all her ladies? There was, too, another falsehood circulated, which was calculated to produce a deep impression in England. "Only think," it was said, "of those politicians (meaning their opponents) who want to take from the Queen the society of her earliest friends—those friends who were attached to her in childhood—who watched over her in her sickness—who cheered her, and made her happy in her hours of health, and who were her old and constant companions." Her gracious Majesty was now about nineteen years of age, or near twenty, and how many years did they suppose these old, and constant, and tender companions were known to her? Exactly one year—so that they were eighteen years unacquainted with her, and during all that time not one of them had approached her. Now if there had been one man, woman, or child, whose feelings had been excited by the statement of the alleged misconduct of noble Lords opposite, there had been one hundred, one thousand, aye, ten thousand amongst the younger persons especially, whose feelings had been excited by this appeal to the public, and by the statement of this outrage upon the feelings of a young lady, in taking from her her dearest friends, her youngest companions, and her oldest acquaintances. And yet it was all fancy, it was all a fabrication—and there was not a shadow of truth in it. There was no one who would stand up in that House, and declare that it was ever the intention to have removed any one who had associated with her Majesty for two years. But then it might be said in the removal of some, why not allow the lady of the noble Marquess, and the two sisters of a noble Friend of his, the Secretary for Ireland, why not suffer them to remain? They might have remained: all that was stipulated for was, the power of removing them. Another doctrine had, upon this subject, been broached, which was quite new, unheard-of, and monstrous; but the object of which was perfectly obvious. It was said, that it would be a natural arrangement, to have one set of men in office, and another set of women in office also. And this doctrine was reserved for the year 1839—it was reserved, too, for the Whigs, who, in 1812, had maintained an opposite opinion, and who had refused to come into office, because lords of the bedchamber were to be retained by the Sovereign. This was certainly an extraordinary position; but it threw a new light upon the formation of a Government—that when Ministers say they resigned, it meant only, that the husbands were to resign, and the wives would not act in conformity with them, for they would not resign—that the half was to go out, and the "better half" to remain in, and that in a Government coming down and saying "we only are in office until our successors are appointed," was to mean that "we are only out of office until our wives and sisters prevent those who might be our successors from forming a Government." It was really a painful thing to be called upon to discuss a subject with which ladies were mixed up; but it had become a state question; the ladies of the bedchamber had been converted into a political engine, they had been made the pivot upon which the Ministry was to turn. A ministry was no longer to be formed as the wisdom of Parliament should require, since the ladies of the bedchamber might stand in the way of those in whom the Parliament might confide. Those ladies had ceased to be the mere companions of the Sovereign's private life, they had become an engine of the state, they had actually become statesmen, though not clothed in male attire, and stood between the wishes of Parliament and the granting of those wishes. If it had not been for this part of the case, he should have felt it his duty to maintain that silence upon the present occasion which he had willingly observed when the original discussion took place. But the question was a constitutional one; there were grave matters mixed up with it: it had great constitutional bearings, and was connected with many and serious consequences. Entertaining a much stronger opinion than King William did in favour of our ancient monarchy, contrasted with other forms of Government, he would willingly be relieved from the necessity of comparing them. This, however, he would say of our constitution, that it was a perfectly justifiable ground for a Government in office to remain in office if that Government held opinions consistently with the opinions of Parliament. But if the two Houses differed, it was equally justifiable and constitutional to remove a Government upon the ground of not having the confidence of both Houses of Parliament. The remedy was an appeal to the people. If the House of Lords differed from the House of Commons, and that the Sovereign, not remaining as a cipher—a doctrine for which no one had a greater contempt than he had, for the Sovereign by remaining a cipher, in his opinion, ceased to be a monarch—but in the exercise of that discretion and high prerogative with which the Crown was invested, agreed with the

House of Commons and differed from the House of Lords—if that difference was upon a trifling matter, the Government could proceed; if it was upon an important matter, the course was equally plain, because the constitution had chalked it out, namely, to dissolve the House of Commons, and if upon a new election it was clearly shown that a decided majority adhered to the Commons and differed from the Lords, then would he say, that according to the constitution of the country the Lords must give way to the Crown and the people, otherwise the monarchy could not be called a limited monarchy. That, however, was not the position in which they were now in. There was no difference between the two Houses of Parliament. Neither had confidence in his noble Friend's Government. Both desired a change, by both was his noble Friend abandoned, or of one at least had his noble Friend lost the confidence, and of the other he never had any to lose. His noble Friend's Government had not lost the confidence of the Sovereign; that was all; but upon what ground he should like to know was it that that confidence seemed of so much more value on Monday the 14th of May, than it did on Monday the 7th of May? Upon what ground was it that that continued, but not increased confidence, enabled the present Government to carry on the business of the country in the face of the two Houses of Parliament? That was a question which remained to be answered. Was it come to this, that the Parliament and the country was bound to yield to the caprice of the Ministers? It was not the caprice of Parliament, Parliament could have no caprice; it was "the wisdom" of Parliament. Then it might be the caprice of the Sovereign. He knew it was not. He had the honour of knowing that illustrious individual from her earliest childhood, and he unhesitatingly asserted that there never was a person having less of caprice than that illustrious Princess. Now, if they supposed the Sovereign to say, "I don't care for the House of Lords, I don't care for the House of Commons, I don't care for the country, not a jot, and I insist upon keeping in my Ministers, because I will not part with those two ladies of my bedchamber," then their Lordships would be supposing that position of things which they were now gravely told was the case by the existing Government. That was their case, that was their representation, stripped of all those exaggerations and falsehoods which had been grafted upon it—the real unmingled and unadulterated statement of the constitutional principles and the constitutional conduct which his noble Friend had to lay before Parliament that evening. This was new, this was portentous, this was strange and uncouth language to address to Parliament. He had thought they belonged to a country in which the Government by the Crown and the wisdom of Parliament were everything, and the personal feelings of the Sovereign absolutely not to be named at the same time, to be named certainly in connexion with personal matters, to be named upon all things which belonged to mere individual topics, to be kindly treated, to be most respectfully venerated, to be touched with a most tender, cautious, and thrilling hand, but never to be allowed to interfere with the sober judgment of Parliament, to countervail the highest interests of the state, to regulate or guide the Government, or to sway the state affairs of this realm. That was the language of the constitution. If it was not, then he would say that they did not live under a limited, but under an absolute, monarchy; that they had an absolute monarchy clothed in the form of a representative government, which had become a mere pageant, and an useless and insulting mockery. He little thought he should have been obliged, in this advanced period of our history, to argue this question, and argue it, too, with Whigs, with the kinsmen, the descendants, the representatives of the Ministers, or rather of those who, because they would not subscribe to this creed, refused to be the Ministers of 1812. He little thought he should have lived to hear it said by the Whigs of 1839, "Let us rally round the Queen; never mind the House of Commons; never mind measures; throw principles to the wind; abandon opinions; leave pledges unredeemed; quarrel with your supporters in both Houses of Parliament, but for God's sake rally round the Throne; the Princess who fills it deserves to be the object of your reverence and respect, and whatever pleases the Princess let it be the law of the land." He was old enough to recollect that in the reign of George 3rd, who had swayed the sceptre of these realms with undiminished popularity, or rather with a popularity which increased with his years, he (Lord

Brougham) had regarded with the greatest contempt the principle of those noble Lords opposite, which showed itself in the constant attempts to cover their failures by appeals to the "good old King." If they were at an election, and no man suffered more from elections at that period than he did, the usual cry was, "Oh, never mind the Catholic question, never mind reform, go for the good old King, who is broken down with sickness, who is labouring under a load of years, and who has reigned over you for half a century." "This is his jubilee year." The Walcheren expedition and the jubilee coincided in time, but the "good old King" was the stalking-horse for all failures. But it was not the Whigs who did that; for if there was one thing more than another of which the Whigs then expressed their abhorrence, it was of that appeal to the "good old King," which they condemned and ridiculed as hypocritical, because they knew what was meant by "my good old King;" they knew very well that it meant "my good old pension," and "my excellent old place." That "God save the King" meant "God save my pension;" and that "give me a long-lived king," meant "give me a long-lived Minister, who will give me a better pension and a larger place than I now have." Such were almost the words of Mr. Tierney on one occasion, when a Speaker in the other House was talking of nothing but the "good old King," It was during the discussions on the regency, and Mr. Tierney remarked "I dare say, if the Prince of Wales was on the Throne, we should have nothing but 'the good young Prince.' And if, unhappily, anything should befal that illustrious personage, so that the Princess Charlottee should succeed, we should hear equally repeated 'the good interesting young Princess.'" Little did he then think that the day would come when he should hear almost those very words, not from the unconstitutional, place-loving, place-hunting, King-loving Tories — the absolute-monarchy-loving Tories, who thought that the public was made for the King, and not the King for the public; but from the Whigs themselves, the colleagues, successors, and kindred of his noble Friend, the former head of the Government, and of the other distinguished chiefs of the party. It might be thought, but most erroneously that ridicule on this subject was inconsistent with argument. But jest and ridicule only could be effective to show the grossness and glaring nature of the inconsistency which had been exhibited in this matter. It was a most serious and important topic, and he would continue a minute or two longer upon it. What was the consequence of the present state of things. The Government had resumed office—not because they had regained the confidence of Parliament, but because the Queen would not change two ladies of her bedchamber. They said, "let the Government stand by the Queen, though without the confidence of Parliament." Would standing by the Queen get back the confidence of Parliament? He did not believe a word of it. Was there the slightest difference in the state of parties, persons, and measures, which had dictated the withdrawal of that confidence. He said no. The attempt to pass a falsehood upon the public had signally failed. He believed, indeed, that it had succeeded a little more than the noble Duke supposed it had; for he seemed to think that the conflict on this point had been carried on not *dubio marte*, but with the utter repulse and discomfiture of those who attempted to propagate the falsehood. But in its main purpose it had failed. The truth was known. The proceedings in Parliament had opened the eyes of all men to the fact that a change of measures was the only alternative—that nothing but a change of measures could win back to the Government the support they had lost. But where was the Government? where was the state? what became of the sum of affairs while the Government was trying to fish for support —while they were baiting their hooks. The Jamaica Bill, which was said to be a most important measure, was brought forward. The Government staked their existence upon it. They were not able to carry it, and therefore, they conceived they had lost the confidence of the House of Commons. They thought that measure one of paramount necessity. Was it less necessary now? They had not changed their opinion. They had given up their measure, but they retained the same opinion. His hon. Friend in the other House who brought forward the new measure had, as he was informed, said that he retained the same opinion that the other was the right measure. If the other was the right measure, this was the wrong measure; if it was not right to adopt this, it was wrong to abandon the other. Oh! but that was altered. The Jamaica policy was to be new-fashioned—principles were to be given up, and measures abandoned, and all was to be completely changed, because of—two ladies of the bedchamber. If the case was ludicrous, it was not his fault. He was stating the case of the Government in their own language—they said they would not adopt a measure or join in a vote contrary to their conscience—they would not adopt a Jamaica Bill contrary to their principles. But they gave up the right measures contrary to their opinions and conscientious convictions. And why? Not because their opinions had changed, or conscience seared, or their minds favoured with any new light since the 7th of May, but because of a squabble in the bedchamber—about the appointment of two ladies. Canada was a most important matter. It was referred to in the speech at the beginning of the session, and they had heard something since of measures on the subject, but not much. They had received a message from the Crown, recommending as a matter of necessity, attention to the affairs of Canada on a basis pointed out. He had put a question on this subject to his noble Friend the other night, and the answer—a not very satisfactory one—which he received was, that measures were preparing, and would be produced, unless circumstances occurred to prevent their being brought forward. Did not every man who had eyes to see what those circumstances were—not the circumstances of Canada, not the merits of the case, nothing in the measure itself, but—the ladies of the bedchamber. It was a question of court intrigue, how the Government would be best able to weather the storm, and if they thought they could whether the storm better by leaving out Canada than by taking it up, they would leave it out. There were other measures of great importance. Ireland for instance, called for attention, [A noble *Earl*—the Chartists]. He must relieve the noble Earl opposite of any apprehension of any connexion between the Chartists and the Ribbonmen. He had sat many weeks on the Irish Committee, and he could assure the noble Earl that he might repose on the most perfect comfort on this head, for he never knew of a more dreamy and baseless notion than that of a connexion between the Chartists and the Ribbonmen. He did not mean to say, that the Chartists were to be despised, or that Ribbonism did not exist, or that it ought to be despised. Far from it. But there was no connection whatever between them. If there was any relation, it was of opposition and hostility. Besides these things, there was the state of our colonial and foreign policy, which required a certain activity, a certain vigour on the part of the Government, and, therefore, a certain strength. Was the Government, now stronger to negociate with the Legislature of the island of Jamaica, after having been driven from the Jamaica Bill? Rather the contrary. Was it a temptation to slacken opposition to the second measure, that the opposition to the first had been successful? Was the self-stultification of the Government in announcing, that they had lost the confidence of Parliament likely to overawe the Colonial Assembly? He, humble individual as he was, and not knowing the whole mystery of Court intrigue, should think not. Then, with respect to foreign affairs, and this was a part of the subject which gave him the deepest concern; it was the first time in the history of this country, at all events, since the revolution of 1688, that it had ever been avowed—publicly and openly avowed—and by the liberal and constitutional party too, the Whig party, the framers of the constitution of 1688, that the Crown was everything and the Parliament and the people nothing. When he (Lord Brougham) said, in his place on the 20th of December, 1837, on the question of the civil list, that he was very averse to the unconstitutional use of the Queen's name, which had recently come into vogue by Whig lips, his noble Friend used some very remarkable expressions at that time. He said, as to the provision for the Crown, that he hoped he should never see the day when the resources of the Crown and its substantive and independent power, as a separate part of the monarchy, should be put forward against, or brought into any contact or collision with the other constitutional estates of the realm. But had not the Crown been recently so thrust forward? Was it not the society of the Queen as an individual, the ladies of the bedchamber of the Queen as the individual which from beginning to ending had caused these great changes in the conduct of the late

Government, and of the present presumed Government? This was the first time, that England had ever proclaimed to Europe that she was to be governed on such principles — the first time, that her statesmen had professed that the opinions of Parliament were to go for nothing, provided they retained the confidence of the Queen. Was this likely to raise the confidence of foreign countries in representative governments, or make them feel more respect for ours? Would they not know, that this must have an end? Would they not feel well assured — would not any honest man, who applied his mind to the matter, feel well assured, that this could last but for a very short time? The cry had not succeeded—it had been put down. Truth had made way, and the Parliament must prevail, if the Government did not change its course and conciliate its former friends; and foreign nations, with whom we had to negociate, must see every man in England could tell them, that this state of things must have an end, and Parliament must prevail in the struggle. If his noble Friend, the Secretary for the Foreign Department, were there, he would ask him what chance he had of a successful issue in his negotiations with any one power, while his Government was standing in these unparaleled circumstances—while it was so infirm, so tottering, and he would add, so rotten—for rotten must be the foundation of a Government which stood on such a basis. One word more with respect to what he took to be the most melancholy, and not the least interesting part of the question. He grieved deeply, that her Majesty should be placed in this position. It was not the fault of Parliament. Parliament had spoken its opinion fairly. And considering how inexperienced a person she of necessity was, it could be imputed to no fault of her own. She had reigned barely two years. But those who were about her, were bound to inform her of the solemn responsibility thrown upon her by the ancient and established principles of the constitution. There should be no force. Her feelings should be treated with all imaginable tenderness. Even where she might be wrong every conceivable excuse should be made, and even when difficulties arose, all reverence and tenderness, and the most profound respect and veneration of the most devoted courtier should be shown; but duty remained towering above all other and pettier considerations — the duty of men, of statesmen, of ministers, of sworn advisers—a duty the more imperative upon those who had been the first advisers and councillors of her earliest youth and more imperative still upon those to whom she had ever proved a most confiding and most gracious mistress. What was that duty? To tell her, that the constitution knew of no *divisum imperium* —no opposition of ladies of the bedchamber; that changes in those places—which ought to be carefully avoided if possible, and never to be resorted to one hair's breadth beyond what the individual case required—might yet be just as much necessary as changes in the husbands and brothers of those ladies themselves. He hoped, that such advice had been tendered -he trusted, that such information had been afforded. But of one thing he was sure, that if, for want of due consideration, for want of appropriate councillors, for lack of requisite information, that most illustrious, most amiable, and most upright Princess should be brought prematurely, and at the beginning of her reign, into collision with the wisdom of Parliament—or the will, for that was the wisdom, of Parliament—Parliament having no caprice —and if the public affairs, the *ardua regni* should take any detriment from that collision, and the Crown fail, as fail it must, a bad service would have been rendered by bad councillors, bad friends, bad flatterers, and worthless parasites—if there were any such who had done so, and he denied the possibility of believing, that there could be such; it could not be his noble Friend. He knew it was out of the question; he did not tender such advice; but whoever, had done it, had rendered a bad, pernicious, and all but fatal service, to a confiding, amiable, and upright Princess. Then they should see the misery of a reign in which, having commenced with a personal conflict, always to be avoided even by a Sovereign under the weight of years—a Sovereign who had laid the country under old obligations by services rendered—but how much more to be avoided in the case of a Princess, who had just stepped upon the Throne, and had had no time to confer great benefits on her people—then, he said, would have been begun a reign under the most inauspicious of all circumstances; a coldness—he would anticipate no worse, for that was bad enough — a coldness and alienation between the Princess and the people—between the Crown and the Commons and Peers of the realm. He knew that his noble Friend who led the Government in that House, and his noble Friend who led it in the other House, were the very last men in all England to be anxious about retaining office. He knew it personally from their character, their habits, and from positive knowledge of the subject, that they would make no sacrifice of principle—no sacrifice of honour to retain their places. They were above mean and paltry motives, and felt in their position only the responsibility, the duty, and the difficulty, which belonged to it. But there were others who might counsel them—lovers of place wishing to keep place, or only hungering and thirsting to get place: whose appetencies had been sharpened by possession, or those to whose desire distance made it seem more sweet, and who had not tasted the bitters with which the possession of office is always mingled. If his noble Friends were above taking counsel from such advisers as these, he dreaded not the honest, wise, and well-considered opinions of his noble Friends themselves. The consequence of all this was, and it was this that gave him the anxiety with which he had all along viewed this question, and with which he now addressed their Lordships—that the principle of the monarchy had been put to a severe trial. Let them be assured of that, and let it not be tried more than it was prudent to try it. Let them not stretch it, lest peradventure it might crack. His noble Friend, who introduced this subject, had spoken of a conspiracy against the monarchy, and of those who would pull it down. He considered the country not exposed to imminent risk of revolution, and the destruction of the present regal Government. There might be some who entertained such views, but he believed they were few in number, not very respectable in force, and, he was confident, not very respectable in point of capacity, with very few exceptions. But if there were such a party, and if he were apprehensive of an assault on the monarchy from that party, he could not look upon it with any feeling but the most serious affright, alarm, and dismay, in thinking that the battle was about to be fought, after such an unwise, unprecedented, and reckless course as had been taken, in resting the Government upon a bed-chamber quarrel, and bringing the personal feelings of the Monarch into collision with the wishes, the will, and the wisdom of Parliament. God avert this omen! but upon his mind he had more explanations; the alarm would be great. [The noble and learned Lord sat down amid loud and continued cheers from the Opposition benches.]

The Duke of *Wellington.* My Lords, I certainly do not rise to reply, or make any comment upon the very able speech which has been just made by the noble and learned Lord. Still less am I disposed to interrupt the good temper of the House by any observations which I might desire to make upon matters personal to myself. I can assure your Lordships that upon those personal matters I feel at the present moment exactly as I did when I addressed your Lordships a short time ago. I think I have even more reason to be totally indifferent on the subject of the reports referred to by the noble and learned Lord, since these reports have produced no effect whatever on the country. I believe that no credit has been given to them anywhere, and I have every reason to think that I am not mistaken on the subject. I must say, that from the commencement of these transactions, I have totally and entirely acquitted the noble Viscount opposite of having had any concern in circulating those reports. On the day previous to that on which I addressed your Lordships, before it had been stated in another place that the illustrious person referred to had acted from a misapprehension of the circumstances, the noble Viscount stated that himself. But, my Lords, at the very time I addressed your Lordships, I had in my pocket an address from a relation of the noble Viscount to his constituents—I fully believe without the knowledge of the noble Viscount—but containing such language, that either the writer must have been misinformed, or have stated what he did without information. At all events, I felt confident that the noble Viscount had not given the information. I will go further, and say, I feel so confident in the force of truth, that even if the noble Viscount had given such information I should have felt the same contempt for the reports that I did feel at the moment I addressed your Lordships on the former occasion. I must fairly say, that I entirely acquit the noble Viscount of having made such a communication. As to other matters adverted to by the noble and learned Lord, I must confess that I am one of those who never thought that the Government had, on the 7th of this month, any very good reason for resigning their offices. That was my opinion at the time, and it has been my opinion ever since; and the more I have reflected on the subject, the more convinced I am that my judgment was not very erroneous. In fact, my Lords, they could not carry, they found, that one question in Parliament relating to Jamaica. Why, my Lords, no man will tell me that there were not many measures that could be substituted for that measure. The noble and learned Lord says yes, they have found a measure, but not a good one; the former was the right, and this was wrong. [Lord *Brougham* observed, that he said, "If the former was right, the present was wrong."] I must say I felt at that time, that although they could not carry that measure, they might carry measures which might have been substituted for it. I confess I never saw any reason why the Government should retire, and I must add, after the discussion in another place on this subject, that those who undertook to carry on the Government felt extreme difficulty cast upon them. I think, as I have said, that another measure might have been substituted by the noble Viscount's Government, but that was a matter for them to consider, and not for me. I give your Lordships what was my impression at the moment the Government retired, and it is an opinion which has been confirmed by reflection upon what has passed since. On the other part of the subject, and upon what the noble Viscount has stated in answer to my noble Friend, I have but little to say. I am in the habit, at times, in my place in this House, of giving my opinions and sentiments to the noble Viscount. I earnestly recommend him to persevere in the intentions which he has announced in the course of the discussion this night. Let him honestly perform his duty in the Government of the country. He has failed in carrying one measure which he proposed to Parliament in a former Session. Let him persevere in the performance of his duty, not only in Parliament, but out of it, and let him trust to the good sense of Parliament and the country for his support. And although certainly I have the misfortune of differing from him on many subjects, I think I may venture to tell him that he will not find Parliament fail him if he will honestly and sincerely perform his duty.

The Marquess of *Normanby* said, that after the manner in which himself and a lady, a near relative of his, had been personally alluded to by the noble and learned Lord, he felt it necessary to make a few observations to their Lordships. The noble and learned Lord had talked of misrepresentation and slander elsewhere, but certainly he must confess he had never heard anything more like misrepresentation than what had been stated to the House by the noble and learned Lord that evening, supposing, indeed, that the noble and learned Lord had not used the expression in question in a moment of inadvertency. The noble and learned Lord had directly referred to certain ladies, attendants on the Queen, as agents in the transaction, and had described Ministers as having only resigned their places to give their wives and sisters at court an opportunity of effectually preventing the formation of another ministry.

Lord *Brougham* said, that he had not for a moment imputed to these ladies that they had been agents in the transaction. He had merely referred to them in the way of argument.

The Marquess of *Normanby* said, he had distinctly understood the noble and learned Lord as charging these ladies with having acted as agents in the transaction, and as speaking of what had actually taken place. [*Hear, hear!*]. He (the Marquess of Normanby) had passed unnoticed what had been stated on this subject elsewhere, in the shape of anonymous attack, but after what had been said by the noble and learned Lord, he felt it his duty, however painful, however delicate, however difficult the task, to offer a few words in explanation of how it happened that Lady Normanby's name had been mixed up with the circumstance. On the day on which the resignation of Ministers took place, he had a conversation with his noble Friend, near him, the noble Marquess (Tavistock) on the subject of the ladies of her Majesty's household; and while fully concurring with his noble Friend that there could be no doubt of the full right of her Majesty to retain these ladies, he remembered that he had stated he felt it might be very possible that his connection with the Government might place Lady Normanby in a different position from the other ladies, and he added, that if any intimation of this kind was made to him he should act upon it. Accordingly, when he heard of the difficulties stated to be in the way of the formation of a new Ministry, which was not till the meeting at his noble Friend's house on Thursday evening, he that very night communicated to Lady Normanby his feeling that it was advisable that she should resign her situation, and Lady Normanby tendered her resignation on the following morning. The note in which he conveyed this suggestion gave Lady Normanby the first intimation of this alleged difficulty. He readily conceived that it might be very convenient for those who had taken the line adopted by the noble and learned Lord on this occasion to mix up the question of the ladies of the court with the principle for which he and his friends had solely contended, the power of her Majesty to retain about her that portion of the household of which an attempt had been, for the first time, made to dispossess the Sovereign. This was the principle, however, for which he and his noble Friends near him had contended, and which they had felt bound to support. It had been his intention to have made a remark only on that part of the noble and learned Lord's speech which personally referred to himself and Lady Normanby; but, as he was on his legs, he could not help alluding to what the noble and learned Lord seemed to consider the unfortunate events arising out of her Majesty's conduct. The noble and learned Lord, in stating that a Government had been formed which had not the support of Parliament, seemed to regret that an opportunity had been lost of forming a "strong" Government, which should possess the confidence of Parliament. He thought that the answer of the noble Duke opposite would satisfy the country on this point; but, if it were necessary to have a more direct and distinct authority, this was to be found in what Sir Robert Peel had said in the other House. Sir R. Peel had avowed all the difficulties of his position; he had detailed measure after measure, and the different points of national affairs, in which he saw insuperable difficulties before him, and the result of Sir Robert Peel's statements and arguments was a distinct admission that he had a majority of the House of Commons against him: and had nothing happened since the occasion on which that admission was made? Had there been no trial of strength since? Had there been no means afforded since of manifesting on which side the strength of the House lay? Within the last few days there had been afforded a clear indication that Sir Robert Peel and his friends could not command a majority, that they, at least, were in a minority. Respecting the question of Jamaica, to which the noble and learned Lord had referred, on that subject he had always felt strongly; he had considered from the first that the experiment of negro emancipation would not be fairly carried out in the transition from one state of society to another without a temporary suspension of the constitution. He had, therefore, most entirely concurred with his noble Colleague in thinking that the virtual failure of the Jamaica Bill was an indication to which Government should attend. But though he still adhered to this opinion, though he agreed with the right hon. Gentleman who brought forward the motion in the House of Commons last night, that the measure which Government was obliged to surrender was the best, under all the circumstances of the case, yet on resuming the Government they had been able to provide for the great object of protecting the negro. He would only further trespass on the House on this occasion, knowing the critical hour at which he was attempting to detain the House, and therefore postponing for the present much he should otherwise have wished to have said. He should only, therefore, wish to make one remark on an observation of the noble and learned Lord, wherein the noble and learned Lord had seemed to wish it to go forth to the country that he was the only person of Lord Grey's government who adhered to the principles of the Reform Act. If the noble and learned Lord was so anxious to carry out the principles of that great measure, he would seem to be adopting rather an extraordinary mode of effecting this object, when he was endeavouring to the utmost of his power to restore a Tory Government.

Lord *Brougham* explained, that he had not entertained the remotest idea of alluding to anything that had been done by the very amiable personage whose name had been introduced by the noble Marquess. His argument was, that women of the bedchamber would now become important political agents, and would be mixed up in political transactions of every description. His allusion was to consequences and not to past occurrences. He perfectly believed, that nothing of the description which was rumoured had taken place, and he had taken occasion to contradict those rumours whenever he had heard them. He was not surprised at the tone of the observations which had fallen from the noble Duke opposite, after the Conservative declarations of the noble Viscount. Much stress had been laid upon the majority on the late occasion of electing a Speaker in the other House. Now, he could state that no fewer than nine of those who had voted for the right hon. Gentleman who now filled the Chair had distinctly declared, that they had voted against Mr. Goulburn in consequence of his conduct with reference to the Catholic question, and other matters; and that they would have voted differently from the way in which they had done, had they supposed the vote to be one of confidence in her Majesty's present Ministers. He was desirous to see an honest and a firm liberal Government. The noble Viscount was, he believed, deficient in the latter quality; and the next best thing to a strong liberal Government would, in his mind, be a good liberal Opposition.

The Earl of *Winchilsea* thought, that none of his questions had received a satisfactory answer.

Question of adjournment carried.

HOUSE OF COMMONS,
Friday, May 31, 1839.

MINUTES.] Bill. Read a second time:—County Courts.—Read a first time:—Jamaica.

CITY OF LONDON POLICE—SERVING ON COMMITTEES.] Mr. *Hawes* having moved that certain Members constitute the Select Committee on the London Police Bill,

Sir *Robert Peel* took the opportunity of his being appointed to serve on the committee to state his opinion, that there ought to be some fixed rule laid down with regard to the attendance of members on private committees. He wished to know whether it were understood to be the rule of the House, that a Member should be present during the whole of the evidence, or whether it were competent to him, after the absence of a day, to attend the committee during the remainder of its sittings? He was now a member of a private committee, on the subject of which his constituents were much interested; and he much feared that he could not consent to be named on this committee, if a stringent construction were put on the rule to which he had referred with respect to private business.

Mr. *Hawes* was placed in the difficulty to which the right hon. Baronet had adverted. He was nominated on two committees—one public, and the other private; and having been obliged to be absent for a day on the latter, he considered himself disentitled to sit any longer. There was, however, a different interpretation put upon the rule by other Members; and, at all events, it was important that all doubt with regard to it should be cleared up.

Mr. *Poulett Thomson* found himself in a similar situation to the right hon. Baronet (Sir R. Peel). He did not think that it was the intention of the House, that so stringent an interpretation should be put upon the rule, as that to which the hon. Member for Lambeth referred. All the House required, in his opinion, was, that no Member should vote on any question arising out of the proceedings before a private committee, without hearing the evidence relating to it.

Mr. *Hume* thought, on the contrary, that the rule should be strictly enforced, or not laid down at all. He considered the functions of the Members of a committee similar to jurymen, and not admitting of any absence.

Sir *Robert Peel* declined serving on the committee, which was appointed.

PRIVILEGE.] The *Attorney-General* rose to call the attention of the House to a subject closely connected with the privileges of the House, and, as he believed, intimately connected with the best interests of the people of the kingdom at large—a subject which involved the infraction of a principle which, for the last two centuries, had remained unquestioned—a subject in which every Member of the House must feel deeply interested. The House, in the exercise of that which had hitherto been always considered its undoubted privilege, had ordered that certain papers should be communicated to the public with the view, on the one hand, of informing the public mind, and, on the other, of enabling the House effectually to perform its duties. One of the papers so ordered to be published related to the management of the gaol of Newgate, and pointed out various abuses in the management of that institution. Amongst other things, it stated, that the morals of the prison were corrupted by the introduction of obscene publications. The publication of that statement was made with the view that the abuse might be remedied, and that the House might proceed to pass a measure to protect the morals of persons under confinement in that gaol. A person of the name of Stockdale brought an action against Mr. Hansard, an officer of that House, who was authorised, and indeed directed, by the House to distribute the publication. Upon a petition of Mr. Hansard to that House, stating that such an action had been brought, the House passed a resolution, by which the Attorney-general was directed to appear in the action, and to defend it. In obedience to the instruction which he had received from the House, he (the Attorney-general) did appear in the action, and had defended it to the best of his ability. It now became his duty to state to the House what had been the result of these proceedings. That day the Court of Queen's Bench had pronounced judgment in the case of Stockdale *v.* Hansard, and had unanimously decided that the defence had failed, and that the action was maintainable. He most cautiously abstained at that moment from expressing any opinion with respect to that judgment. Coming from so high a quarter, it was to be received with respect and reverence; and he had no hesitation in saying, that each of the learned judges who concurred in it acted most honourably and conscientiously; but, at the same time, it was his duty to inform the House of the extent to which that judgment would go. If carried out, it would go to an extent that would be quite alarming, and that would place the House of Commons in an entirely new position. The Court of Queen's Bench had determined, that the House of Commons had no right to issue such a publication, nor to make such an order as had been made in this instance—that neither House of Parliament had a right to instruct the people, or to convey instruction to them through the medium of such publications; that the right which either House of Parliament claimed of doing so was not a privilege, but an usurpation. But the ground upon which this judgment proceeded rendered it more important and more alarming. Hitherto, in his humble apprehension, the judges of Westminster Hall had considered that the two Houses of Parliament were exclusively the judges of their own privileges. The judges of the Queen's Bench, in the decision of that day, had repudiated that doctrine, and announced, that they themselves were the judges of all the privileges of Parliament—that the privileges of Parliament might be submitted to their determination, and to the determination of the lowest tribunals in the country; and that finally the judgment pronounced by any of those tribunals might be submitted to the House of Lords; so that according to this decision of the Court of Queen's Bench, all the privileges of the House of Commons might finally come to be determined by the House of Lords. Nay, the Court of Queen's Bench had determined, that even with respect to commitments for contempt, they could examine into the subject matter of the contempt, and declare, whether in their judgment the House of Commons was justified or not in the course it had pursued. The result of this judgment would be, that the House, in the publication of papers, must take care, not only that not more than 658 copies were printed and distributed; but more than that—in the course of his argument upon the case, he (the Attorney-general) had pressed this difficulty upon the consideration of the Court—"If you limit the distribution of such papers to the use of the Members of the House, what is to be done upon a dissolution of Parliament, and what is to be done if Gentlemen cease to be Members of the House, either by the determination of an election committee, or by the acceptance of the Chiltern Hundreds?" He was told by the Court, that neither of these contingencies presented any difficulty at all, because, upon a dissolution of Parliament, or upon a Gentleman ceasing to be a Member of Parliament, all the papers that he had received as a Member of the House, in which there was anything criminatory upon the conduct of others, were immediately to be destroyed—that there was to be a grand conflagration, in which all papers of this description were to be committed to the flames. Thus it followed, that if, after a dissolution of Parliament, any individual who had been a Member of the House should have in his library a paper which he had received as a Member of Parliament, and should venture to read that paper, or to show it to another, he might be subject to an action of libel, or to a criminal prosecution, and be made liable to fine or imprisonment. At the present moment he most cautiously abstained from entering into the merits of the decision made by the Court of Queen's Bench; but it would be seen, from what he had stated, that it was of the last importance that the House should determine without loss of time upon the course which under the circumstances it should deem it most proper to pursue. When the subject was last brought under the consideration of the House, he was told by the House to appear in the action, and to defend it. He had done so, and had been defeated. He now appeared again to receive the instructions of the House, and as the servant of the House he should punctually and faithfully observe whatever directions he might receive. Whether the House would take strong measures for resisting the judgment of the Queen's Bench was, of course, a matter that remained entirely in the breast of the House itself. But after the statement he had made, it became his duty, as a Member of that House himself, to point out the course which he would recommend the House to adopt. It appeared to him, then, that it would be most advisable to appoint a committee to inquire into the proceedings in the action of Stockdale *v.* Hansard, and to give an opinion to the House as to the course which the House should follow; and if that should accord with the pleasure of the House, he would propose, that the Members who constituted the former Committee, and who still continued to be Members of the House, should be re-appointed upon the present Committee, with such additions as the House in its wisdom should deem fit. If he might venture so far, he would propose, in addition to the names which stood upon the former Committee, the names of the Solicitor-general, Sir E. Sugden, Mr. Goulburn, Mr. Pemberton, Dr. Lushington, Mr. Warburton, Mr. Bernal, Mr. Easthope, the Solicitor-general for Ireland, and the Lord Advocate of Scotland. This was no party matter. He recollected, with admiration, the manner in which, on a former occasion, the right hon. Baronet, the Member for Tamworth, vindicated the rights and privileges of that House. In doing so, the right hon. Baronet entitled himself to the gratitude, not only of the House, but of the whole community of the United Kingdom. He repeated, that this was not a party matter; and if to the names he had already mentioned there were any others that it might be thought proper to add, he should most cheerfully acquiesce in any proposition to that effect. It was also his intention to move for a copy of the record in the action of Stockdale *v.* Hansard, and for a copy of the short-hand writer's notes. It appeared to him, that it would be impossible for the House to come to a satisfactory conclusion upon the subject, until they knew the grounds upon which the judgment of the court had been given. For that reason he deemed it most proper to move for the appointment of a Select Committee, to inquire into the whole proceedings. Supposing his motion to be agreed to, he hoped that, considering the urgency of the case, the Committee would not refuse to meet to-morrow for the sake of arranging the course it should ultimately pursue. He hoped that, in the consideration of this most important subject, there would be no exhibition of warm feeling—that all would be calm, temperate, and moderate. The hon. and learned Gentleman concluded by moving the appointment of a Select Committee.

Mr. *Darby* had that day listened with great attention to the judgment of the Court of Queen's Bench, as delivered by Justices Coleridge and Patteson, and confessed, that he had either totally misunderstood those learned judges, or else had fallen into a complete misapprehension of what had been stated by the Attorney-general. — [The *Attorney-General:* In what respect?] In the first place, he understood the hon. and learned Gentleman to say, that the judges of the Queen's Bench had decided that no papers of that House could be published by order of the House.—[" *No, no!*"] He certainly understood the hon. and learned Gentleman to say so; whilst, on the other hand, he understood the learned judges to say—and they seemed to guard themselves most strictly upon the point—that they did not mean to assert that, by an order of that House, generally speaking, papers might not be published; but certainly, that papers could not be published by the authority of the House which were libellous upon the public. He appealed to the House, whether the hon. and learned Attorney-general had made that distinction. Then, with regard to commitments, he certainly understood the learned judges to pronounce their judgment in a sense entirely different from that described by the hon. and learned Attorney-general. As he understood the learned judges, they stated, that there were commitments over which the House of Commons had an absolute control; but that, at the same time, there were also commitments which the House might make improperly. Between these two kinds of commitments, the learned judges drew a marked distinction, carefully guarding themselves in the opinions they expressed, and the language they used. But the hon. and learned Attorney-general represented them as dealing with the point in the broadest, most general, and most sweeping manner. He did not profess to have so accurate a knowledge of these matters as the hon. and learned Gentleman; but this he must say, that having heard the statement of the hon. and learned Gentleman in that House, and the judgment of the learned judges as delivered in the Court of Queen's Bench, he certainly should not have recognised one in the other. There were other Members then present in the House who were also present in the court when the judgment was delivered, and he was sure they would be good enough to state, whether their impression of what transpired coincided with his.

The *Attorney-General* observed, that it was to prevent all possibility of misunderstanding as to what the judges had laid down, that he moved for the appointment of a Select Committee to inquire into the whole of the proceedings. But he was sure that there really was no substantial difference between the opinions expressed by the judges and the statement he had made to the House. For what did the difference alluded to by the hon. Member for Sussex amount to? It was quite clear, that it was unnecessary for the learned judges to say that the House of Commons might publish that which all mankind may publish—namely, matter that was not of a criminatory nature, and which did not affect the character of any individual. Then with regard to the power of commitment, the hon. Gentleman had confirmed his statement, because he said that the learned judges had drawn a distinction between the cases in which the House had power to commit, and the cases in which, as the court asserted, the House had not the power to commit. That was exactly what he (the Attorney-general) had laid down as the doctrine propounded by the learned judges. He maintained, that that doctrine was entirely new; for from the case of Lord Shaftesbury down to the case of Sir John Hobhouse, there never was an instance in which a court of law said that it could inquire into the causes of commitments made by the Commons, whatever those commitments might be.

Sir *R. Inglis* had his doubts if the matter in question were such a breach of privilege as to justify the House in proceeding instanter with respect to it, as the hon. and learned Gentleman proposed. If any difference greater than another existed in the minds of the people of these kingdoms, between them and this House, it was in regard to the extent of the privileges, claimed by this House. No one could doubt what had been the current of public opinion upon this subject two years ago. The House should pause before it committed itself in any other quarrel of a similar character with the legal authorities of the country. On that occasion, he had called on the House to pause; he now called on it to do the same thing; the grounds were in their recollection. If the case were a breach of privilege, then it was certainly entitled to a pre-audience of all other business before the House, and he should bow to the decision. But if it were not—and if he understood the hon. and learned Gentleman correctly it was not, inasmuch as the Judges of the Court of Queen's-Bench had only decided on a question submitted to them by that House—then he did not consider that there was any necessity for the precipitate course proposed by the Attorney-general. The Attorney-general stated distinctly, that the decision of the Court of Queen's Bench would prevent either House of Parliament from publishing matters for the instruction and enlightenment of the people of England. But unless enlightenment and instruction could be conveyed in no other forms of publication than those of libels, he did not see the relevancy of the hon. and learned Gentleman's deduction, as affecting the question at issue. If, as he had said before, the House decided that the question was one of pure privilege, then he should bow to that decision, though he might not acquiesce in it; but if it did not, he should venture to suggest to the hon. and learned Gentleman that, perhaps, it would be better, as it certainly was more formal, to give notice of his motion for the committee. The hon. Baronet concluded by calling on the Speaker to pronounce on the question as a matter of privilege.

Sir *E. Knatchbull* concurred in the principal part of the opinions of his hon. Friend, but he deprecated the idea of throwing the onus of pronouncing upon the question of privilege upon the Speaker. He agreed with his hon. Friend, however, that the Attorney-general should give notice of his motion. If the House agreed to the appointment of the committee at once, it would not, in his opinion, display that sound judgment which befitted the circumstance and the occasion, but would rather prove itself hasty and precipitate in its proceedings. If the hon. and learned Gentleman had moved for a copy of the record, and the short-hand writers' notes, confining himself to these alone, he should have had no objection to it; but he could not agree to the motion for a committee.

Lord *J. Russell* did not think, that either the hon. Baronet, the Member for the University of Oxford, or the right hon. Baronet who had just spoken, had correctly understood the proposition of his hon. and learned Friend. One would certainly suppose, from their arguments (which would be correct enough, if their premises were right), that some immediate decision of the House was called for, and that that decision was to be a decision against some parties for a breach of privilege. No such decision was called for. His hon. and learned Friend, the Attorney-general, felt, however, that it was a matter deeply affecting the privileges of the House, and, therefore, had brought it forward at the earliest and most proper period. No one, he thought, would deny, that it was a question deeply affecting the privileges of the House. The object of his hon. and learned Friend's motion was not to charge any one with a breach of privilege, but merely to ask the House to appoint a committee to inquire into the proceedings by which its privileges were likely to be so deeply affected. Was this a new course of proceeding? By no means. It was a proceeding naturally arising out of the course which the House took upon the former occasion when this subject was under its consideration; and be it remembered, that that was not a precipitate nor a violent course, but a course of great moderation and temper, merely directing the Attorney-general to plead in a case then pending in a court of law. It appeared that the judges had now pronounced a judgment in that case, and nobody, he imagined, would deny, that that judgment deeply affected the privileges of the House. In point of fact, it affected them so nearly, that there was no doubt (supposing the force and validity of the judgment to be admitted) but that the Speaker, in the discharge of the duties of his office, might do that which to-morrow morning might be called in question, and himself be made subject to an action at law. The votes of the House might contain an accusation, or a sneer, against some individual, in the form of a motion, or a notice of motion—that accusation or sneer might be made the foundation of an action of libel, and the Speaker, as the officer of that House, might be made liable for the consequences. In the natural course of proceedings, the Speaker, by the direction of the House, might have to sign some paper containing a motion of that kind—it would go with the Speaker's name, and, according to an order of the House, might be circulated throughout the country to-morrow morning. Why, some person might immediately proceed against the Speaker, or against the printer, or any other person taking part in the publication, for a libel, in consequence of what had taken place in Parliament that evening. Therefore, he said, that whether the decision of the Court of Queen's Bench were a right decision or a wrong one—whether it were a new decision,—or a decision strictly in accordance with all ancient laws—it was, at all events, a decision upon which the House of Commons should not pause, but should immediately appoint a committee of inquiry. He did not say, whether the statement of his hon. and learned Friend, or the statement of the hon. Gentleman opposite—which was, in fact, very little different from that of his hon. and learned Friend—was the correct and accurate account of what took place in the court of law. All he could say was, that he should support his hon. and learned Friend, in asking for the appointment of a committee.

Mr. *Williams Wynn* thought, there could be no manner of doubt, that any Member having matters to state, which he thought related materially to privileges of the House, was fully entitled to pre-audience. He thought, too, that nothing could be less precipitate, or less objectionable, than the course proposed in this instance to be pursued by the hon. and learned Attorney-general. The matter was a very urgent one, and it was highly expedient, that the House should lose no time in the consideration of it. What was the position in which the House stood? Look at the events of the last two or three days. A person named Lovibond was reported by a Committee of the House to have been cognizant of an act of forgery: for that act of forgery, the Speaker was directed to reprimand him; and the Speaker accordingly administered the censure of the House. The whole of those proceedings were entered upon the votes of the House, and had been signed by the Speaker, who had also given directions to the printer to print them. The present Speaker then stood in precisely the same situation as Mr. Speaker Williams in the reign of Charles 2nd. In that case, a person laying before the House an information, accusing the Duke of York of an act of high treason, that information was ordered by the House of Commons to be printed. The Speaker, as the officer of the House, licensed the printer, which was afterwards made the subject of an action against him, in which the plaintiff was successful, and the Speaker was fined. In his opinion, they ought to lose no time whatever in taking proceedings to ascertain what were the real facts of the case, in order that the House might be in a condition to take such steps as might be considered necessary.

The *Attorney-General* begged to explain. He ought to state, for the information of the House, that the judges of the Court of Queen's Bench were of opinion that the Speaker personally would not be liable to an action, but that the printer and all the officers of the House, acting under the authority of the House, would. The motion he had made rested on this ground, that the Court of Queen's Bench having decided the case in question, and in favour of the plaintiff, it was now indispensably necessary that the House should give directions what course he was to pursue. If the judgment should be entered on the record, a writ of inquiry would be issued and execution levied, unless a writ of error should be brought; it was, therefore, necessary the House should come to a conclusion what course should be pursued.

Sir *R. Peel* thought, under the special circumstances of the case, it was indispensably necessary that the House should proceed at once to appoint a Committee. The moment the House of Commons considered anything to affect their privileges, it was their duty to direct their attention to it. He would pronounce no opinion upon the grounds of the decision come to by the Court of Queen's Bench; but he certainly would not lose a moment in instituting an inquiry, first into the facts of the case, in order that they might be presented in a formal shape to the House; and next, as to what it behoved the House to do in support of their privileges. The Court of Queen's Bench could not complain that they were departing from the usual forms in proceeding without giving notice, because notices of motions were not absolutely necessary. Strictly speaking, every Member had a right to bring forward a motion without notice; and if ever there was a case that justified a departure from the usual forms, it was a case in which the privileges of Parliament were concerned. He would not prejudge the case, nor give the Committee power of instituting any proceeding; but the House ought not to lose a moment in considering, with all the deliberation and decorum belonging to the gravity of the case, what course it ought to pursue.

Mr. *Kelly* did not rise to offer any opposition to the motion of the Attorney-general. He agreed that it was quite enough, immediately it was found, that a decision had taken place affecting the privileges of the House, to justify the House in taking immediate measures upon the subject. He therefore concurred in the proposition for the immediate appointment of a Committee, in order that the proceedings in the late action might be regularly brought under the consideration of the House. But if he thought, with the hon. Member for the University of Oxford, that by acceding to this motion he implied, that any breach of privilege had been committed, either by the Court of Queen's Bench, or by either party in the action, he should unhesitatingly oppose the motion. They ought to have brought under the consideration of the House, not only the proceedings on the action, but the short-hand writer's notes of the judgment delivered by the learned judges. Another reason why he acceded to the motion was, that he felt firmly convinced that the more the judgment of the learned judges was made known to the House and to the country, the more assured would those learned judges be of meeting with the entire approbation of the people. It was because he felt that the judgment of the court was calculated to preserve the dignity of the House and the liberty of the people that he desired the most extensive publicity to be given to it. He could not sit down without expressing his regret, that while the Attorney-general was proposing to have the proceedings in the action brought before the House, he did not limit himself to stating the grounds of his motion, but should have thought fit to advert to particular parts and portions of the judgment of the learned judges. He would venture to say, that when that very sound, enlightened, and constitutional judgment should come before the House, many of the remarks of his hon. and learned Friend would be found to be wholly incorrect and unfounded. He would venture, with all humility, to assure the right hon. Gentleman whom he was then addressing, that there was no danger of any action being brought against him for any act he might do under the authority of the House, and that no such doctrine had fallen from the learned judges. He would venture to add, that none of the learned judges would be found to have said that it was not competent for the House to instruct and inform the people of this country; and yet, if his ears had not deceived him, he had certainly heard his hon. and learned Friend say this evening, that the judges had decided that it was not competent for the House of Commons to instruct and inform the people. He also understood his noble and learned Friend to have said, that the Court of Queen's Bench had determined, that if any Member of the House, either by a decision of a Committee, or by accepting the Chiltern Hundreds, ceased to be a Member, it would behove him, for the sake of safety, to burn the papers that had been delivered to him under the orders of the House. Now he (Mr. Kelly) would venture to say, that the judgment of the judges would be found to contain nothing to warrant that statement. He was afraid he had occupied too much of the time of the House; but having seen a substantial difference in the description given of the judgment by the Attorney-general, and by the hon. Member for Sussex (Mr. Darby), he felt bound, in common candour to say, having listened attentively to the judgment when delivered in court to-day, that the statement of the hon. Member for Sussex was the more correct and just account of that judgment.

Mr. *O'Connell* would not detain the House, as he understood an unanimous vote was about to be given, but he must express his conviction, that if the plaintiff in the action in the Court of Queen's Bench had not been guilty of a breach of privilege, they might as well walk out of the House, and shut the doors, because it would be utterly impossible for them to do the public service. It was quite true the judges had not shut out publication altogether. Every laudatory publication might issue. They might praise all the world, whether they deserved it or not. Praise was never a libel. But it was a libel to tell the truth of a man who deserved to be reprobated. At present, the only control over the judges was a decision of the House of Commons. They were not responsible to the Crown. They could not be removed, except by a vote of that House. Since his time one judge had been removed, on addresses to the Crown, by the two Houses of Parliament. The judge was Sir Jonah Barrington, the vote of the House stating, that he had been peculating with the money of the suitors. According to this decision of the judges, Sir Jonah Barrington might have gone before the Court of Queen's Bench and indicted the officers, or have brought an action against them; and how would the House have acted had the court decided against the parties? Suppose a Jefferies should be restored to-morrow, and be placed in the room of a Denman, how could the House proceed against him, if they did not let the public know the ground of their procedure? It was admitted, that the House might proceed against a corrupt partial judge, but, in order to do so, it was necessary to bring before the public all the facts of the case. But those facts would be so many libels, according to the decision of the judges. It was impossible that the House could tolerate that decision; and his opinion was, that the four judges who had given that decision, ought, to-morrow, to be called to the bar of the House. Yes, that was his deliberate opinion. What he was then saying might possibly be published in the newspapers to-morrow. It was certainly in disparagement of the judges of the Court of Queen's Bench—and they might, if they pleased, take up the publisher of the newspaper; or, if what he said were inserted in the votes, they might take up the printers of the votes, and send them to gaol for contempt of the Court of Queen's Bench. What remedy would the parties have? None by appeal—for there was no appeal. The judges might confine the parties for any time they pleased for an alleged contempt, and there was no way by which the parties could obtain a legal and judicial reversal of that sentence. The judges were not responsible to any other tribunal than to the House of Commons. But how could they be made responsible, unless they let the public see the grounds on which that responsibility attached? It was a question belonging to the Commons of Great Britain. The Members of that House were the concentration of the people of the country, the judges being appointed by the Crown, while the Crown itself was *mater patriæ.* This decision was made by the representatives of the Crown against the representatives of Great Britain.

Mr. *Pemberton* had not purposed to make any observations upon this question, but, after the speech of the hon. and learned Member for Dublin, he felt he should not discharge his duty if he remained entirely silent. Without disputing the regularity of the proceedings taken by his hon. and learned Friend, the Attorney-general, in bringing this subject before the House without any notice whatever, he thought that everybody would agree that it was not convenient, because many of those gentlemen who took a deep interest in the subject were not only wholly ignorant that the motion would be brought on to-night, but even that the decision had been given, and it was by mere accident, when he was coming down to the House, that he himself had heard that his hon. and learned Friend had made this motion. He believed that there was no one who disputed the propriety of making this inquiry, and the only question between himself and his hon. and learned Friend was, whether the House would be more likely to adopt a course consistent with its own dignity and the interests of the people of this country, by delaying the discussion of this question for a few days, or by proceeding at once precipitately to take that course which his hon. and learned Friend had recommended. Now, if he wanted any proof of the advantage which would be derived from delay, it would be the temper which had already been exhibited, and he would ask if it were desirable, that upon the mere statement of his hon. and learned Friend, they should at once decide upon taking the step which the hon. and learned Member for Dublin considered as proper, for this reason, that the judges had been guilty of a violation of the privileges of the House, for which, in the opinion of his hon. and learned Member, they ought to be ordered to its bar. Now, what were the facts of the case? If there were any breach of the privileges of the House, it had been committed in consequence of what had been done by the House itself. An action had been brought by a private individual against another private individual. The House of Commons thought proper to declare that this was an attack upon their privileges, although the question of their privileges only came before the Court incidentally. The House could not stop these proceedings; they might commit the plaintiff, they might commit his counsel, or his attorney, but neither the forms of the House, nor the laws of the land, gave them the power of stopping any action brought by one person against another. On the former occasion, his hon. and learned Friend said, that if he attempted to do this, the House must either be defeated, or be driven to subvert the laws of the land. Well, then, what was the consequence? The House of Commons directed the plaintiff's counsel to plead their privilege. His right hon. Friend, the Member for Tamworth, had said on that occasion, that if it should turn out that the law was against them, the House would find the means of vindicating its privileges. He had a great respect for the courage of the noble Lord, and of those who cheered that sentiment, but he believed that no man would dare, or daring would succeed, in what was called vindicating those privileges, which the sworn judges of the land had declared were untenable. If the attempt were made, sure he was that it must fail. Now, let them observe what the state of the case was. The House was called upon to stop this action at its commencement. The House allowed the action to go on, and now, when the judges, having no power of refusing to hear the action, had decided the case, and no man doubted that they had decided it according to the law of the land, an hon. Member of that House got up in his place, and stated that the four judges ought to be summoned to the bar of the House. The House said, in effect, to the judges, "Decide this case by all means; we submit to your jurisdiction; but mind, you must decide it only one way. Decide it in our favour, and you will commit no breach of privilege, but decide according to your own opinions, and we will drag you to our bar." He would ask if there was ever a doctrine propounded more monstrous and unconstitutional than this? It was not because it was convenient or desirable, or even necessary, that the House should possess the power of publishing evidence, that therefore it should be possessed against the law of the land. The decision which had been given had greatly increased the evil against which they had formerly to contend. They might formerly have had a declaratory law, but such a step was now impossible, after the judges had formally pronounced their decision. Although, however, such a step was now impracticable, they might still have that protection for their privileges which the transaction of business required, simply by taking that course which was just, and which they might adopt without any compromise of their rights, or of their opinions. If they went on in opposing the courts of law, what would be the result? It could not be doubtful that, if the decision of the Court of Queen's Bench was not impeached, the example would be followed, and what would the House do, when they saw plaintiff after plaintiff commencing proceedings of a similar nature? They could not stop such proceedings, even if they had recourse to violence. They had no means of preventing such actions or such decisions, except they were treated as contempts of the authority of the House, and there was therefore no effectual mode of preventing such proceedings. The House would not attempt to call the fifteen judges to the bar, or to send them to the prison of their own court. The House would therefore do well to consider the steps which they were about to take, and not to enter into a contest which could only terminate in a manner injurious to the best interests of the country. If they embarked in that contest, when it came to that point where support would be necessary he much doubted whether that House would find the people standing up to defend the course which they were pursuing. One course might be followed, which would lead to no inconvenience, and which would not compromise their privileges, but if they adopted a different course, and opposed the laws of the land and the judges, such a proceeding would not fail to prove injurious to the best interests of the country, and ruinous even to the House itself. He should not oppose the appointment of a committee, although he could not but regret that the present discussion should have taken place. He trusted, however, that the Government would apply itself to the consideration of the subject with calmness, in order to adopt the best way for securing the House in the enjoyment of those privileges which were necessary for the exercise of their legislative functions, but which, at the same time, would lead to nothing injurious to the institutions of the country. If they persisted in hostility to the decisions of the judges, they must necessarily hurt other institutions of the country, which were permanent in their nature, while a Parliament was not permanent. It was not the first time that that House had come into collision with the judges, but on every occasion on which they had done so, the House had been defeated. On more than one occasion, such collisions had taken place; but what had been the result? Why, the contest had been terminated by a dissolution of Parliament, which at once had terminated the dispute, and left the judges in full possession of their authority. Whether the noble Lord contemplated any proceeding of a similar nature in the present instance, he, of course, could not say; but, whatever might be his views, he would entreat the noble Lord to adopt that course which alone could redeem the House from its present state of difficulty, and put an end to a contest which, whatever party might triumph, from the very nature of the contest, would inflict a serious injury upon the people.

Sir *C. Grey* would cheerfully support the appointment of a committee, but beyond that, he was unwilling to express any positive opinion on the course which it was proposed to pursue. In regard to the second motion which the hon. and learned Gentleman, the Attorney-general, had submitted for the consideration of the House, he wished to say a few words. That motion was, that the notes of the shorthand writer, containing the decision of the judges, should be laid before the committee which it was proposed to appoint. Now, they had heard two hon. Members opposite express very different opinions from those which the hon. and learned Gentleman the Attorney-general, had expressed, in regard to the terms in which the decision was couched, and he thought, therefore, that the notes of the shorthand writer, however accurate they might be, ought not to be taken as authority. When they considered that the record itself, and the minutes of the judges, in regard to which there could be no sort of doubt, would completely raise the whole question which it was necessary for the committee to investigate, he would ask the House to consider, whether it was desirable to take the decision of the judges, on the authority of the shorthand writer, more particularly in a matter so liable to misconstruction as the words of the judges. He would, therefore, suggest to hon. Members upon both sides of the House, whether the question of privilege would not be brought sufficiently before the committee, by the record and minutes of the judges, and whether it was not prudent to abstain from a course which might involve the House in a fruitless contest about words, which could hardly fail to be the case, if they relied on the notes of the shorthand writer.

Sir *R. Peel* said, that chiefly in consequence of what had fallen from the hon. and learned Gentleman near him (Mr. Pemberton), he wished particularly to ascertain what the precise objects were for which the committee was to be appointed. He apprehended, that the committee was not to be required to express any decision whatever. He conceived that the whole matter was open for their investigation; that they were to examine all the important questions which the case suggested, but that they would have no power to decide. The committee would examine fully, and lay before the House, all the important considerations which might arise during the investigation, and it would then be for the House to decide. Whether the House was to acquiesce in the decision, or whether they should determine to resist, or to have the powers and privileges confirmed by a legislative act—all these questions would be settled by the decision of the House, and not the decision of the committee. It was upon these grounds that he had supported the motion for the appointment of a committee, and he now wished to be informed whether he had formed a correct opinion.

The *Attorney-General* said, the right hon. Baronet had taken the same view of the duties of the committee as himself. The committee would do nothing but inquire. He could not help saying, considering, that inquiry was the only object in view, that the observations of the hon. and learned Gentleman opposite were out of place, more particularly so, as he had intended to put the hon. and learned Genman upon the committee. He again repeated, that nothing would be done by the committee but inquire.

Sir *E. Knatchbull* could not help thinking, that it would have been better if notice had been given of the motion brought forward by the hon. and learned Gentleman, the Attorney-general; but, if the course which had been followed was satisfactory to the House, so let it be. He hoped, however, after what had fallen from those who had heard the decision of the judges, that it would be found, that that decision was expressed in a manner different from what had been represented by the hon. and learned Gentleman the Attorney-general.

The motion for the appointment of a committee carried.

On the question of nominating the members of it,

Sir *R. Inglis* rose to submit to the House the impropriety of placing on this committee those hon. Gentlemen whose opinions, they having served on a former and similar committee, were now matters of record. He thought it would not be wise to place the same Gentlemen on the present committee, and although he had not divided the House on the question that a committee be appointed, still he was strongly disposed to take a division upon this point, and on the propriety of producing the notes of the short-hand writer as evidence of the terms in which the decision of the judges had been delivered. If the House insisted on the production of those short-hand notes, he contended that they would be arrogating to themselves a jurisdiction which had never before been claimed by the House of Commons, and which, he was persuaded, would be alike injurious to the House and to the people. In such a case they would practically be calling the judges of the land to the Bar of the House, and putting them to trial on the evidence of the short-hand writer—a proceeding which he was fully persuaded was a violation of their rights, and also in direct hostility to the best interests of the people.

Mr. *Pemberton* thought, that it was due to the judges and to the House, that the House should fully and clearly understand the precise terms in which the decision of the judges had been delivered.

The *Attorney-general* believed, from the acknowledged accuracy of Mr. Gurney, that the House might rely on the correctness of the shorthand notes. If, then, such was the case, surely for their own sakes, as well as for the sakes of the judges, they ought to have the exact grounds upon which the decision had been made, and the precise terms in which it was delivered, laid before the committee. When those notes were laid before the House, it would be found, that the statement he had made was fully borne out by the facts.

Mr. *Blewitt* thought, that it would be more respectful to ask the judges to communicate their decision to the House than to make a motion on the subject.

Mr. *Kelly* thought, that the notes of the arguments of the hon. and learned Gentleman the Attorney-general ought also to be before the committee.

Lord *J. Russell* agreed with the hon. and learned Gentleman, that it was desirable to have the notes of the arguments of the Attorney-General laid before the committee, and he believed they would be produced under the form of the motion which had been proposed.

Committee appointed.

On the question, that the committee have power to send for persons, papers, and records,

Sir *R. Inglis* asked whether the committee were to have power to send for the judges? Before he consented to this motion, therefore, he should wish to know whether the committee meant to exercise that power? He did not believe, that any person would consent to a motion that the judges of the land should be brought to the Bar of the House; and what the House in its collective capacity could not do, ought not to be given to a body of fifteen or twenty private gentlemen. So that, unless he heard a statement from the Attorney-general and the noble Lord, the leader of her Majesty's Government in that House, that they did not intend to call the judges before the committee, he, for one, should divide the House on the question.

Mr. *C. Buller* asked, whether the hon. Baronet meant to say, that the judges were not to be called before the House, or even before committees of the House? If he did, the practice had been different. In the Record Committee the judges had been called upon to give their opinions. He could see no difference between the cases. Did the hon. Baronet mean to lay down a rule, that the judges of the land were to be kept so apart from all other persons, that they were not to be called before a committee of the House for their opinions?

Sir *R. Inglis* only wished to ask his noble Friend and the Attorney-general, whether they intended to call the judges before the committee?

Mr. *Hume* said, it was a monstrous doctrine to say, that any individual in the country was not amenable to this House. He had seen the Lord Chancellor before a committee of this House; and he had never heard that any individual was exempted, if his presence was necessary for the purposes of justice. Of course, it must rest with the discretion of the committee, but if they thought it necessary, he hoped they would have the judges before them. If necessary, he would be ready to move or to second a motion, on any occasion, to call the judges to the bar of the House.

Lord *J. Russell* said, that his hon. and learned Friend and himself, in the appointment of this committee, had no view to the examination of the judges on any judicial question; they had no such intention, and his hon. Friend need not suppose they had; at the same time they did not mean to preclude themselves from giving to the committee the power which was usually given by the House.

The *Attorney-General* said, as far as he was concerned, he felt the most sincere respect and reverence for the judges, and he believed, that the judges of the Queen's Bench had, on this occasion, acted most honestly and conscientiously. But at the same time, that the committee should be fettered by any such contract as that proposed by the hon. Baronet, was a proposition he utterly disclaimed. The Lord Chancellor, as had been stated by the hon. Member for Kilkenny, had attended a committee of this House, and other judges had done the same, without any scruples.

Sir *E. Knatchbull* observed, that the

Lord Chancellor was a Peer, and attended by his own consent and at his own discretion, so that the case was not in point. If the judges were sent for by the committee on any matter connected with their judicial capacity, he ventured to say, that they would not obey the order.

Mr. *Wynn* disclaimed the doctrine, that the judges could not be called before this House. Suppose a motion to be laid on the Table of the House, containing a charge of corruption against a judge. It used to be the practice to appoint a committee of corruption for the express purpose of inquiring into the course of justice. It was not likely that there would be any temptation to summon the judges before the committee, and if any individual were to attempt to exercise such privilege the committee would check it. But it would be better to let the discussion drop here.

Sir *R. Inglis* repeated, that unless there was an understanding, that the committee were not to call the judges before them, he should divide the House.

Mr. Sergeant *Wilde* observed, that it was necessary the committee should have the judgments of the judges before them, and as they were written judgments, there could be no difficulty in obtaining them. The committee would then have the exact reasons of the judges before them. The judgments would be printed in a few weeks, and circulated amongst the Members; and it would be no disrespect to the judges, but, on the contrary, it would be respectful to them to desire to know what were the reasons they assigned for their decision.

Mr. *Godson* said, it was not the notes of the judges that were called for, but the shorthand writer's notes, which the committee might call for, if they pleased, without the authority of the House.

Sir *C. Grey* recommended the hon. Baronet to withdraw his opposition. He had not known when he before spoke, that the judges had delivered their judgments from written papers, which there could be no objection to have printed for the use of the House. He did not recede from his proposition, that the House could not come to any conclusion as to the opinions of the judges which were laid before them on the authority of Mr. Gurney, or any shorthand writer in the world.

Motion agreed to.

BUSINESS OF THE HOUSE.] Lord *J. Russell* moved, "that during the remainder of the session, orders of the day have precedence of notices of motions upon Thursdays, except on a special direction of the House with respect to a notice of motion."

Mr. *Hume* hoped that the noble Lord would make an exception in favour of his motion, which stood for the 6th of June, respecting the Bank of England.

Lord *J. Russell* said, he could not do that without laying himself open to similar applications.

Sir *E. Knatchbull* observed, that this was giving Government greater power than a private Member of the House, and no individual Member had now any possible chance of bringing forward any measure, except on the special direction of the House, and he did not know how that was to be obtained.

Motion agreed to.

COUNTY COURTS.] Lord *J. Russell* moved, that the County Courts Bill be read a second time. He should not wish the discussion to be taken until after the bill had been referred to a Select Committee upstairs.

Mr. *Kelly* said, he could not allow the bill to be read a second time without entering his protest against the principle of the measure. There was this palpable objection to the bill, that it went to repeal the whole law of England with regard to debts not exceeding 15*l.* He should certainly feel it his duty to oppose the bill whenever he could find an opportunity.

Mr. *Pakington* must declare his opinion that much in the bill was exceedingly objectionable. He would have been prepared to oppose the measure on the second reading, if the noble Lord had not arranged that the discussion of the principle should be taken after the reference to committee. Under the provisions of the bill a very considerable number of appointments were contemplated, such as chairman, receiver-general, clerk, and a variety of other officers, the salaries of all whom were to be defrayed, it was probable, from what was to be called the county fee fund. Now it was the opinion of every Gentleman whom he had consulted, and decidedly it was his own opinion, that this fee fund would be found quite inadequate and he wished to know, therefor , whether the noble Lord was prepared in that case to take any, and if so, what means, to make up the deficiency?

The *Solicitor General* said, he was anxious to express his opinion upon this most important subject. The question was, were they prepared to concede to the very strong and generally expressed opinion of their constituents a means of providing cheap and speedy justice? That was the whole question. Difficulties there were in the way, no doubt, but difficulties inherent in the subject. If the fees were small, then they must have an inferior description of persons to administer justice in those courts. They were bound to this. If they determined to continue the present system of expense, it was the same thing as to say that they would shut the door of the courts to all but the wealthy classes. But, what was all that had been urged by the hon. Members opposite considered as a reason against the second reading? They must run the risk of not doing such good justice by doing this cheap justice. They could not afford anything better. It was better that injustice should be done than that no justice should be done. He was prepared to support this position, and he said, that it was better that a poor man who had a debt of 5*s*. owing him, should go before a tribunal which should decide the question one way or the other, whether right or wrong, than that he should feel that he was utterly without any kind of means of redress—that the courts were beyond him. The present state of things made the poor man feel, and he feared with too much reason, that law was a luxury which was reserved only for the wealthy. The bill, he trusted, though he confessed he had certain objections to parts of it, would effect a change in a state of things so much to be deplored.

Mr. *Darby* begged to know whether, in case the fee fund fell short, it was intended ultimately to throw the expenses of the machinery of the bill on the county-rates?

Lord *J. Russell* said, it was supposed that the fee fund would furnish sufficient means for the payment of the judges under the bill. If the committee thought otherwise, they would report otherwise. But he should say, if upon experience it were found that the fee fund were insufficient, that the measure was one of those in aid of which Government and the Parliament should see the propriety of incurring some expenditure.

Mr. *T. Duncombe* begged to know, why the county of Middlesex was excepted out of the bill? This was the more inexplicable, because every one who knew the county must be aware, that there was no county court in England, Ireland, or Scotland, in which the administration of justice was so objectionable as in the Middlesex County Court.

Lord *J. Russell* said, the reason why the Middlesex County Court had been excepted was, that it had been intended to introduce provisions into the Metropolitan Police Courts Bill for the purpose of providing judges for that court.

Mr. *Hume* said, nothing was so much required throughout the country as this bill. He entirely approved of the spirit of the Solicitor-general's remarks, and he was convinced that they would be approved in every part of the country. If this was a Government job, as had been insinuated, he wished they would bring forward more such jobs. Let them go on with such jobs, and then see how they would be applauded from one side of the country to the other.

Mr. *Godson* asked, whether they were going to discuss the principle of the bill after all? He had understood the noble Lord to say, that he did not intend to take the discussion on the principle of the measure at present, but the hon. and learned Solicitor-general had gone so deeply into the subject that he (Mr. Godson) almost thought the discussion ought to proceed.

Lord *J. Russell* said, he had no objection to the principle being discussed then. What he proposed was, that a bill on this principle should be sent to a Select Committee, after having been read a second time; if the House affirmed the principle of giving the people cheap justice, there could be no objection against sending the bill up stairs.

Captain *Pechell* must express his opinion, that the expense, whatever it might be, and whether it were to come from the fee fund or from the the county, would be cheerfully paid by the people.

Bill read a second time and committed to a Select Committee.

PRISONS BILL.] House in committee on the Prisons Bill.—The Chairman read the 14th clause, as follows:—

"And be it enacted, that in any prison in which the average number of prisoners professing any one and the same religion differing from that of the Established Church confined at any one time during the three preceding years shall not have been less than fifty, it shall be lawful for the justices or other persons having the appointment of the chaplain of such prison, if they shall see fit, to appoint and remove at pleasure a teacher or clergyman, acting as such at the time of such appointment in some chapel duly registered as a place of religious worship, of the religion of such prisoners, for the instruction and spiritual assistance of such prisoners solely, and for the persons having the control of the funds applicable to the expenses of such prison, to fix the salary to be paid to such teacher or clergyman, and to make order for the payment thereof out of the funds applicable to those expenses."

Sir *R. Inglis* said, that this clause did not form a part of the original bill brought forward by her Majesty's Government, last session, but it was subsequently introduced by the hon. Member for Knaresborough. But though he must do the Government the justice to say that they did not originally propose that there should be in all the prisons salaried teachers for every religious persuasion which could be found to germinate in this country, yet he must say, that they yielded without much reluctance to the proposition, or, in other words, he might say, that they adopted it with considerable alacrity. What was the clause? It was neither more nor less than a declaration by the Legislature, so far as that House was at present concerned, that there was no distinction whatever between the truth or falsehood of different forms of religion and belief. If it could be said that all religions were equally true, it might, in like manner, be said, that all were equally false. The proposition, which was now adopted by her Majesty's Ministers, recognised the principle that whatever men, or any set of men, to the number of fifty, believed to be true, shall be taught as truth by persons paid by the Government. That was the principle which he protested against last year, and he felt it his duty not less earnestly to oppose it now. There was no difference between adopting this principle for persons confined in a prison, and applying it to any other aggregation of human beings; and if the principle were recognised in one case, it must be extended to others, and it would be equally the duty of the Government to hire chaplains of different creeds for different persons to be found on board our ships of war, and for our military regiments. The hon. Member for Knaresborough last year stated that the clause would apply to only three or four places in the empire, and he mentioned London, Lancashire, and some other populous parts, urging that the measure was not of that character, in as far as its practical extent and working was concerned, as to justify the opposition to which it had been exposed. But it was not to the degree or extent in which this principle was to be carried into operation that he offered his opposition; it was to the establishment of the principle itself. It was to the deliberate recognition of the principle by that House, that there was no such thing as difference of truth or falsehood in different religious persuasions, but that the Government was bound to pay the teacher of doctrines which were opposed to the established religion of the country that he was opposed. There was a great deal of difference between the toleration of other sects of religion and that maintenance and encouragement and support of them which the present clause proposed to afford. Regarding this clause, then, as the first step in the progress of a principle which he held to be destructive to the legitimate rights of the Established Church of this country, regarding it as making no difference between truth and falsehood, and regarding it as a principle which, if once admitted could not be afterwards altered, but must be carried out still further, so that if it were adopted in this case, religious teachers of different persuasions could not be excluded from workhouses, or from the army and navy, he thought it better to stop where they were, and therefore he moved that this 14th clause do not stand part of the bill.

Mr. *Pakington* read the first passage of the clause, and said, he must protest against the principle of making religious instruction dependent on numbers. If the principle was a sound and good principle, that persons not members of the established church confined in our gaols should be provided with religious instruction according to their own tenets, for if they amounted to fifty in number, it must be an equally sound principle for forty-nine prisoners—it would be an absurdity, a gross insult to common sense, to say, that religious instruction ought to be withheld from forty-nine prisoners, which would be given to them if they had only another partner in crime. Religious instruction was a blessing which should be given to all; and the only question was, in what way the Legislature was bound to provide it. There was another objectionable point in the clause, and that was, the discretionary power given to the magistrates to appoint or remove the chaplains of prisons at pleasure. That appeared to him to be a complete abandonment of the functions of Parliament, and an imposition of a discretion on those who were appointed to carry out the law which they ought not to be called upon to exercise. The amount of salary, and other minor matters, might be safely left to their discretion, but he protested against the extreme unfairness of calling on the magistrates to decide whether the principle of the law was a good one, and whether it should or should not be carried into effect. Such a measure must, if passed, operate very unequally, for there might be fifty persons of one sect in prison in Liverpool, while at Birmingham the number might be less, and thus the population of two different places would be living under different systems. But there was another reason why he was opposed to this clause. When he saw the rapid strides which the Roman Catholics were making in this country, he must say, that he did not feel at all disposed to make this further concession to them. He was by no means disposed to interfere with that principle of British law by which every man was tolerated, and could hold his theological opinions without let or hindrance; he held that to be a true principle of our Legislature, but he must nevertheless give his decided opposition to this clause.

Sir *A. Dalrymple* expressed his entire concurrence in the remarks of his hon. Friend who had just sat down. He had presented a petition to the House against the clause, signed by a most respectable body of persons, and he should feel it his duty to vote against it.

Sir *G. H. Smyth* thought the noble Lord would be compelled to give up this measure ultimately, although he might that night succeed in getting a majority in its favour. He admitted that Dissenters and Roman Catholics ought to have the privilege of receiving religious consolation from their ministers, but he objected to any clause of this kind, because he knew that Roman Catholic priests and dissenting preachers were not satisfied with administering consolation to those who belonged to their own sects, but that they would interfere with those who did not belong to them. He knew instances in which Roman Catholic and Dissenting teachers endeavoured to force their principles upon others—[*"Hear," and a cry of " divide."*] " I do not wonder," said the hon. Baronet, " that hon. Members opposite are so anxious to go to a division on the clause, because we are not in a situation to divide. I know that if we divide now, we shall be beaten. But if the House were full of Members, I am perfectly sure that we should negative this clause. But we are in a most unfortunate condition. I neither see the argument nor the gentlemanly feeling of laughter, and I think it is a course of proceeding which is not fit for the House of Commons. If we had fair play, I am sure we should reject the clause." Being convinced that it went directly against the Protestant feeling of the country, he should follow the course of his hon. Friends who had spoken.

Sir *C. B. Vere* said, that to take money from the public funds for the support of other creeds than that of the Established Church of the country, was virtually to separate that Church from the State. But there were other difficulties in the way, arising out of the multiplicity of sects in existence. It was quite impossible, he believed, to say how many sects there were. If this principle was admitted, this assistance must be given to any number, and any number of members might be employed; and this in itself would be extremely inconvenient.

Lord *John Russell* thought it right to say a few words with respect to the introduction of this clause. The hon. Baronet, the Member for the University of Oxford, was right in saying that the clause was not contained in the original bill. It was moved when he (Lord John Russell) was not in his place, by the hon. Member for Knaresborough; it was supported by the noble Lord, the Member for North Lancashire (Lord Stanley) whom he did not now see present), and it was received with favour by the House. When he found the proposition had been thus supported and favourably received, although he had some doubts as to its propriety, he had stated, that seeing the opinion of the House was in its favour, he was willing to adopt a clause of this nature, always providing, that its terms should be such as to preserve that general superintendence of the chaplain which was necessary to the discipline of the prison. He thought that the clause in this respect answered the object the hon. Mover had in view, and in which he was ready to concur. The state of the law at present was, that if any prisoner asked the assistance of a minister not of the Church, that such minister should be admitted, and the practice was, he believed, uniformly agreeable to that law. Then it was said by hon. Members, that if such was the law, a minister should be paid for attending one prisoner as well as if he attended on fifty. To that proposition he could not agree, for though it might be very proper if there were fifty prisoners of one communion in a gaol, and that the minister of such communion gave up his time and passed a great part of every day in that prison, that he should have some remuneration for that constant devotion of his time; still, when he came only once a month, perhaps, to visit one prisoner, it would not be fit or necessary that any compensation should be given for so small and inconsiderable a service. Then the hon. Member for Droitwich (Mr. Pakington) objected to the words in the clause, "if they shall see fit." Now, it did seem to him (Lord John Russell) those words were necessary to render the clause free from that objection which he should otherwise entertain to it. The magistrates were obliged, as the hon. Member supposed, to appoint a minister to the gaol different to the chaplain of the Established Church; unless those words appeared, it would be otherwise a matter of absolute necessity with them to appoint such a person, and, on the other hand, it was desirable they should have this discretion, as in case they saw a minister interfering improperly with the duties of the chaplain, they could take advantage of the clause, and exercise the power and discretion vested in them by the Act of Parliament. On that head, therefore, he did not see the clause was liable to objection. The hon. Baronet opposite (Sir R. Inglis) urged, that if the principle of this clause was carried to the extreme, it would be necessary to have ministers of every religion to regiments, to ships, and in almost every place; but the Legislature must look to practical effects. Soldiers were permitted to go to Roman Catholic chapels or Dissenting meeting-houses, because it could be done without inconvenience, but the privilege could not be extended to sailors, nor could ministers of every creed be sent on board ships, on account of the manifest inconvenience which would arise to the service. Hence it was necessary to make a difference both in practice and in legislation; and therefore he thought the committee might adopt a clause of this kind without saying they would adopt the principle in any other case.

Colonel *Wood* observed, that though soldiers went to Roman Catholic or Dissenting chapels, they, nor the country, had not to pay the ministers. He was very sorry the noble Lord's doubts had been shaken on this question, for the very circumstance which recommended the clause to the noble Lord—namely, that the appointment was left optional to the magistrates—afforded the very strongest objection to it. The operation of the clause would be strongly felt in Middlesex, Lancashire, and other large counties, and to show the consequences he would state what had occurred in the county of Middlesex. The circumstance he was about to mention showed, that the matter could not be left optional with the magistrates, but that the Legislature must determine whether or not Roman Catholic and other ministers must be paid or not. Not long since, an application was made at the quarter sessions on the part of some Roman Catholic ladies who wished to visit Coldbathfields prison; the majority of the magistrates not wishing to be responsible for the tracts those ladies might think fit to distribute, felt it their duty to resist the application, and the magistrates divided—fifteen for and thirty against the admission of those ladies. Upon that the question was supposed to have been settled, but the magistrate who had introduced again revived the subject; the magistrates again rejected it, and by a larger majority, because they stated, that the question was very likely to be brought under the consideration of Parliament, that they hoped it would not be left optional with the magistrates to decide one way or the other, and that the Legislature ought to determine, aye or no, whether these ministers ought to be paid. If that was not done, they stated, that the bench would be fighting the Catholic question every time they met. Determined as he was, not to leave the matter in doubt, he should certainly vote against the clause.

Mr. *Blackstone* inquired, as the noble Lord opposite (Lord J. Russell) was willing to apply the principle of this clause to prisons, why he hesitated to extend it to workhouses? He could assure the noble Lord, that the Dissenters did not look to this clause as any boon to them, and therefore he (Mr. Blackstone) believed it was in fact a clause to increase the power of the Romish Church. Neither did he believe the people of England were prepared to go along with the Government in that view, and on that ground solely he should resist the clause.

Mr. *Baines* concurred in the belief expressed by the hon. Member, that the Dissenters had no wish themselves on the subject, first, because it was not consistent with their principles, that their clergy should receive payment from the state; and, next, because he believed there would never be found fifty Dissenters in any prison in England. At the same time he was very much disposed to give religious instruction to Roman Catholics in prison in the way proposed, and when this was called a means of extending the power of the Roman Catholic Church, he must ask hon. Members whether they thought really their Church was so weak as to be in danger of being subverted by sending half-a-dozen Roman Catholic priests to attend prisoners in as many gaols? The proposition was most preposterous, and he thought he saw the hon. Member opposite smile at the absurdity of his own observations.

Mr. *Langdale* begged to remark, in the first place, that the words which had now been objected to were not in the clause he originally proposed, but had been inserted at the instigation of the noble Lord, the Member for North Lancashire. But the really serious question in the clause was this—look at the different prisons, and it would be seen, that the Roman Catholics in populous towns were of the lowest classes, and formed the largest number of prisoners. Those persons could not and would not receive the instruction the law now afforded them. The Legislature was now passing measures for the separate confinement of prisoners, and for other means of correcting criminals, and then, because there were large masses of criminals who would not avail themselves of the instruction of the Established Church, it was said, rather than provide them with the instruction they would accept, the Legislature would give them none, and thus deprive the whole community of the advantages of an attempt in that way to reform persons in confinement. This was a denial of justice to those individuals and to the country. Further, it seemed strange to him that hon. Gentlemen opposite should think so lightly of their religion as to suppose, that because a few gaols were to be visited by the Roman Catholics, a blow was inflicted on the Established Church of the country. Hon. Members had spoken of a division on this clause; why, last year, after a long discussion, there had been a division, and the clause was carried by a large majority.

Mr. *Darby* said, as the clause had been disclaimed by the noble Lord opposite, and also on the part of the Dissenters, he could not but think it was brought forward on behalf of the Roman Catholics. It was said, that this plan had been in operation in Ireland. The result there, however, did not induce him to look on the plan in a very favourable light. By this clause it was sought to make the magistrates do that which the Government were afraid to do themselves; they feared the responsibility, and sought to fix it on the magistrates of the country. The hon. Member (Mr. Langdale) had said, that the Catholics were the lowest class of the community. They well knew, that this class of the community did not seek the clergy of their persuasion; their clergy were obliged to seek out them; and were Members on the opposite side of the House prepared to tell him, that the Roman Catholic priests did not seek up the Members of their persuasion, but that it was necessary to provide clergy for the Roman Catholics in the prisons? The principle was not now acted upon, that the state was to maintain the established religion of the state; they had given up that principle. The Members of the Opposition had told those on the other side of the House, that there were persons destitute of religion within the walls of the gaols, and they now called on them to provide the religion of the state for them. It was not because he thought, that if the Roman Catholic priests were admitted into the walls of the gaols they would destroy the Church that he opposed this clause; for he did not believe if they separated all support of the state from the Church, that the Church would be in danger; but it was necessary for the safety of the state, that the Church should not be separated from the state. This attempt to introduce this clause was part of our great system; he saw it in operation not only in this country, not only in Ireland, but in Europe; it was part of a system.

The Roman Catholics were a very powerful body, a very powerful political body, determined to work out their own ends. He saw this going on; he knew their power, and so far as he knew that power he believed, that when once it was established it was inconsistent with the civil and religious liberty of any country. On that ground he should vote against this clause.

Mr. *Plumptre* said, if once they admitted the principle, that fifty persons assembled together in any gaol or other place of one religious persuasion should call upon the state to support their minister, fifty persons in any ship or society whatever might call upon the state to support their minister, of whatever religion they might be. It was the admission of this principle to which he, as a Protestant, could not submit. Fifty men of any religious denomination so circumstanced, be their principles ever so wild or contrary to Scripture, would be able to call on the Government to do that which would be disgraceful to a Protestant country.

Mr. *Acland* thought this clause had some connexion with the minute of Council on education. The noble Lord (Lord J. Russell) had told them, that he would not have consented to this clause except it were always provided, that a general superintendence should be exercised by the chaplain of the gaol. He (Mr. Acland) had looked over the bill in vain for any such clause of superintendence. It appeared to him, that the chaplain with his fifty persons under his charge would be in very much the same position as the Roman Catholic priest. On behalf of the established religion of the country, he did beg, that as the state professed to have an Established Church, it should not act in contravention of that profession. He would ask the noble Lord, what was that general superintendence which was given to the chaplains of the gaols? He had also to call the attention of the legal adviser of her Majesty to another question. He was rather anxious to ascertain from those learned in the law the meaning of the term "one and the same religion." He wanted to know what was the legal definition of the term "one and the same religion." Did it mean of the same denomination of religion, or did it include all denominations not being Roman Catholic, or all denominations not being of the Established Church? It was important for the House when a new principle was introduced to know to what extent it went. He should be glad to know what was the extent of the meaning of those terms?

The committee divided on the question that the clause stand part of the bill:—Ayes 136; Noes 81: Majority 55.

List of the AYES.

Abercromby, hn. G. R.
Adam, Admiral
Aglionby, Major
Archbold, R.
Baines, E.
Baring, F. T.
Barnard, E. G.
Barry, G. S.
Beamish, F. B.
Bellew, R. M.
Bewes, T.
Blackett, C.
Blake, M. J.
Blewitt, R. J.
Blunt, Sir C.
Bridgeman, H.
Buller, E.
Busfield, W.
Campbell, Sir J.
Chalmers, P.
Chester, H.
Chichester, J. P. B.
Clive, E. B.
Collier, J.
Cowper, hon. W. F.
Craig, W. G.
Curry, Mr. Serg.
Dalmeny, Lord
Donkin, Sir R. S.
Duke, Sir J.
Duncomb, T.
Dundas, F.
Elliot, hon. J. E.
Ellice, Capt. A.
Ellice, E.
Ellis, W.
Evans, G.
Evans, W.
Finch, F.
Fleetwood, Sir P. H.
Fort, J.
Grattan, H.
Hastie, A.
Hawes, B.
Hayter, W. G.
Heathcoat, J.
Hector, C. J.
Hill, Lord A. M. C.
Hobhouse, rt. hn. Sir J.
Hobhouse, T. B.
Horseman, E.
Hoskins, K.
Howard, P. H.
Howick, Viscount
Hume, J.
Humphery, J.
Hutt, W.
James, W.
Jervis, S.
Jones, J.
Langdale, hon. C.
Lemon, Sir C.
Lennox, Lord A.
Loch, J.
Lynch, A. H.
Macleod, R.
Macnamara, Major
Mc Taggart, J.
Marshall, W.
Marsland, H.
Melgund, Viscount
Morris, D.
Muskett, G. A.
Nagle, Sir R.
Norreys, Sir D. J.
O'Brien, C.
O'Brien, W. S.
O'Connell, D.
O'Connell, J.
O'Connell, M.
O'Connell, M.
O'Conor, Don
O'Ferrall, R. M.
Palmerston, Viscount
Parker, J.
Parnell, rt. hn. Sir H.
Parrott, J.
Pechell, Captain
Pendarves, E. W. W.
Philips, M.
Philips, G. R.
Phillpotts, J.
Pigot, D. R.
Power, J.
Price, Sir R.
Pryme, G.
Redington, T. N.
Rice, E. R.
Roche, E. B.
Roche, W.
Roche, Sir D.
Rundle, J.
Russell, Lord J.
Rutherfurd, rt. hn. A.
Scholefield, J.
Slaney, R. A.
Smith, B.
Stanley, W. O.
Stuart, Villiers
Stock, Dr.
Strickland, Sir G.
Style, Sir C.
Talfourd, Mr. Serg.
Tancred, H. W.

Thomson, rt. hn. C. P.
Thornely, T.
Troubridge, Sir E. T.
Turner, W.
Vigors, N. A.
Villiers, hon. C. P.
Wakley, T.
Walker, R.
Wallace, R.
Warburton, H.
Ward, H. G.
White, A.
White, H.
White, S.
Williams, W.
Williams, W. A.
Winnington, T. E.
Wood, C.
Wood, G. W.
Wrightson, W. B.
Wyse, T.
Yates, J. A.

TELLERS.
Steuart, R.
Maule, F.

List of the NOES.

Acland, T. D.
Archdall, M.
Ashley, Lord
Baker, E.
Blackburne, I.
Blackstone, W. S.
Blair, J.
Broadley, H.
Buck, L. W.
Burr, H.
Chapman, A.
Clerk, Sir G.
Cole, Viscount
Colquhoun, J. C.
Courtenay, P.
Cripps, J.
Dalrymple, Sir A.
Darby, G.
Dick, Q.
D'Israeli, B.
Duffield, T.
Du Pre, G.
Egerton, Sir P.
Fector, J. M.
Fellowes, E.
Filmer, Sir E.
Fremantle, Sir T.
Gladstone, W. E.
Grimsditch, T.
Hale, R. B.
Halford, H.
Heneage, G. W.
Hepburn, Sir T. B.
Hodgson, F.
Hodgson, R.
Hope, hon. C.
Houstoun, G.
Hughes, W. B.
Hurt, F.
Jackson, Mr. Sergeant
James, Sir W. C.
Jermyn, Earl
Johnstone, H.
Kemble, H.
Kilburn, Viscount
Kinnaird, hon. A. F.
Kirk, P.
Knatchbull, right hon. Sir E.
Lefroy, right hon. T.
Liddell, hon. H. T.
Lincoln, Earl of
Mackenzie, T.
Marsland, T.
Marton, G.
Miles, W.
Miles, P. W. S.
Neeld, J.
Parker, R. T.
Perceval, Colonel
Perceval, hon. G. J.
Planta, rt. hon. J.
Plumptre, J. P.
Rae, rt. hon. Sir W.
Richards, R.
Rickford, W.
Round, J.
Rushbrooke, Colonel
Scarlett, hon. J. Y.
Sibthorp, Colonel
Smyth, Sir G. H.
Stormont, Viscount
Teignmouth, Lord
Thomas, Colonel H.
Thornhill, G.
Vere, Sir C. B.
Villiers, Viscount
Waddington, H. S.
Walsh, Sir J.
Wood, Colonel T.
Wood, T.
Young, Sir W.

TELLERS.
Inglis, Sir R. H.
Pakington, —

House resumed.

PRISONS (SCOTLAND). House in committee on the Prisons (Scotland) Bill.

On the first clause, appointing the General Board of Directors of Prisons,

Mr. *Colquhoun* moved, as an amendment, that the sheriffs of nine counties in which circuit courts are held should *ex officio* be members of the board.

Mr. *F. Maule* opposed the amendment.

Sir *G. Clark* supported it.

The committee divided on the amendment:—Ayes 56; Noes 109: Majority 53.

List of the AYES.

Acland, T. D.
Archdall, M.
Baker, E.
Baring, H. B.
Baring, hon. W. B.
Blair, J. M.
Broadley, H.
Canning, rt. hn. Sir S.
Codrington, C. W.
Cole, Viscount
Dick, Q.
D'Israeli, B.
Fielden, W.
Fector, J.
Fremantle, Sir T.
Gladstone, W. E.
Gordon, hon. Captain
Grant, F. W.
Greene, T.
Grimsditch, T.
Hale, R. B.
Heneage, G. W.
Henniker, Lord
Hepburn, Sir T. B.
Hinde, J. H.
Hodgson, R.
Hope, hon. C.
Houstoun, G.
Hurt, F.
Inglis, Sir R. H.
Jackson, Mr. Sergeant
Jermyn, Earl
Johnstone, H.
Jones, J.
Kemble, H.
Kilburne, Viscount
Lowther, hon. Colonel
Mackenzie, T.
Marsland, T.
Neeld, J.
Pakington, J. S.
Perceval, Colonel
Perceval, hon. G. J.
Planta, right hon. J.
Plumptre, J. P.
Rae, rt. hon. Sir W.
Round, J.
Rushbrooke, Colonel
Somerset, Lord G.
Stormont, Viscount
Thomas, Colonel H.
Thompson, Alderman
Waddington, H. S.
Wood, Colonel T.
Wood, T.
Young, Sir W.

TELLERS.
Clerk, Sir G.
Colquhoun, J. C.

List of the NOES.

Abercromby, hn. G. R.
Adam, Admiral
Aglionby, Major
Archbold, R.
Baines, E.
Bannerman, A.
Baring, F. T.
Beamish, F. B.
Bellew, R. M.
Blake, M. J.
Blewitt, R. J.
Bridgeman, H.
Brocklehurst, J.
Busfeild, W.
Chalmers, P.
Chester, H.
Collier, J.
Cowper, hon. W. F.
Craig, W. G.
Curry, Mr. Sergeant
Dalmeny, Lord
Divett, E.
Donkin, Sir R. S.
Duke, Sir J.
Duncombe, T.
Dundas, F.
Elliot, hon. J. E.
Ellice, E.
Ellis, W.
Evans, G.
Evans, W.
Ferguson, R.
Finch, F.
Fleetwood, Sir P. H.
Fort, J.
Grattan, H.
Hastie, A.
Hawes, B.
Hayter, W. G.
Heathcoat, J.
Hector, C. J.
Hobhouse, right hon. Sir J.
Hobhouse, T. B.
Hume, J.
Hutt, W.

James, W.
Langdale, hon. C.
Lennox, Lord A.
Loch, J.
Lushington, C.
Macleod, R.
Macnamara, Major
McTaggart, J.
Marshall, W.
Marsland, H.
Melgund, Viscount
Morpeth, Viscount
Morris, D.
O'Brien, C.
O'Connell, D.
O'Connell, J.
O'Connell, M.
O'Connell, M.
O'Ferrall, R. M.
Paget, Lord A.
Palmerston, Viscount
Parker, J.
Parnell, rt. hn. Sir H.
Pease, J.
Pechell, Captain
Philips, M.
Pigot, D. R.
Power, J.
Redington, T. N.
Roche, E. B.
Roche, W.
Roche, Sir D.
Rolfe, Sir R. M.
Rundle, J.
Russell, Lord J.
Russell, Lord
Rutherfurd, rt. hon. A.
Scholefield, J.
Sheil, R. L.
Smith, B.
Smith, R. V.
Somerville, Sir W. M.
Speirs, A.
Stanley, hon. E. J.
Stanley, W. O.
Steuart, R.
Style, Sir C.
Tancred, H. W.
Thomson, rt. hn. C. P.
Thornely, Thomas
Troubridge, Sir E. T.
Vigors, N. A.
Villiers, hon. C. P.
Wakley, T.
Walker, R.
Wallace, R.
Warburton, H.
White, A.
White, S.
Williams, W.
Williams, W. A.
Winnington, T. E.
Wood, G. W.
Yates, J. A.

TELLERS.

Maule, F.
Kinnaird, hon. A. F.

On the clause being again put,

Sir *W. Rae* objected to the Inspector-General of Prisons in Scotland being a member of the general board.

Mr. *Hawes* could not see what objection there was to it. The Inspector-general was the man likely to possess most information on the subject of prisons, and, as there were many Members of the Board who could not always attend, the attendance of the inspector would be more desirable.

Mr. *Colquhoun* said, that the remarks of the hon. Member would go more to prove the inefficiency of the board than the propriety of making the inspector a member of it. The inspector ought to be under the control of the board.

Lord *Stormont* thought, that as the inspector was the servant of the board he would, by being made a member of it, be made a judge in his own case.

Mr. *F. Maule* said, the inspector was responsible to the Government, as he had to report to it all circumstances connected with the state of prisons in Scotland. He would be an honorary member of the board, and should not influence its decisions. He thought that his being a member of the board would be a sort of guarantee that the board did its duty.

Sir *W. Rae* moved, as an amendment, that the words "inspectors of prisons" be omitted from the clause.

The Committee divided on the original question:—Ayes 101; Noes 51:—Majority 50.

Clause agreed to.

On clause 18 being proposed, which relates to the constitution of local boards,

Mr. *Hope* proposed an amendment, to the effect that no man should be a member of these local boards, unless he were a Commissioner of Supply and also a Justice of Peace.

The Committee divided on the amendment:—Ayes 22; Noes 54;—Majority 32.

List of the Ayes.

Ballie, Colonel H.
Blair, J.
Bramston, T. W.
Clerk, Sir G.
Cole, Lord Viscount
Douglas, Sir C. E.
Gordon, hon. Captain
Grant, F. W.
Hale, R. B.
Hepburn, Sir T. B.
Hinde, J. H.
Hodgson, R.
Hope, hon. C.
Houston, G.
Johnstone, H.
Lowther, hon. Col.
Mackenzie, T.
Pringle, A.
Rae, rt. hon. Sir W.
Sheppard, T.
Sinclair, Sir G.
Stormont, Lord Vis.

TELLERS.

Hope, Mr. G. W.
Colquhoun, Mr. J. C.

List of the Noes.

Adam, Admiral
Alston, R.
Baring, F. T.
Beamish, F. B.
Blake, M. J.
Brodie, W. B.
Brotherton, J.
Busfeild, W.
Cayley, E. S.
Craig, W. G.
Duke, Sir J.
Dundas, C. W. D.
Dundas, F.
Dundas, Sir R.
Elliott, hon. J. E.
Ellice, E.
Evans, W.
Ferguson, R.
Fleetwood, Sir P. H.
Gillon, W. D.
Grey, rt. hon. Sir G.
Harland, W. C.
Hastie, A.
Hawes, B.
Hobhouse, r. h. Sir J.
Hobhouse, T. B.
Hume, J.
Hutt, W.
Ingestrie, Lord Vis.
Kinnaird, hon. A. F.
Langdale, hon. C.
Loch, J.
Lushington, rt. hon. S.
Macleod, R.
McTaggart, J.
O'Connell, M.
Palmerston, Lord Vis.
Parker, J.
Parnell, rt. hn. Sir H.
Pigot, D. R.
Rolfe, Sir R. M.
Rundle, J.
Rutherford, rt. hn. A.
Sheil, R. L.
Smith, R. V.
Stanley, hon. E. J.
Stuart, V.
Strutt, E.
Talbot, C. R. M.
Vigors, N. A.
Wakley, T.
Wallace, R.
Warburton, H.
Wilbraham, G.
Wood, G. W.

TELLERS.

Maule, F.
Steuart, R.

Clause agreed to; as were also clauses 19, 20, 21, and 22.

House resumed. Committee to sit again.

[We insert the Lists of the first and the last Divisions. The second so closely resembles the first, that it is not necessary to repeat it.]

HOUSE OF LORDS,

Monday, June 3, 1839.

Minutes.] Petitions presented. By the Marquess of Londonderry, the Earls of Albemarle, Stanhope, Dartmouth, and Haddington, from a number of places, for a Uniform Penny Postage.—By the Duke of Argyle, from one place, for Church Extension in Scotland.—By Lord Redesdale, from Woodhouse, for Church Extension in Canada.—By the Duke of Richmond, and the Marquess of Westminster, from a number of places, against, and by Lord Brougham, and Viscount Melbourne, from other places, in favour of the Beer Bill.

Penny Postage.] The Duke of *Richmond* presented petitions from a great many places in favour of a Uniform rate of Penny postage. The noble Duke was anxious to call the attention of their Lordships, and more particularly that of her Majesty's Ministers, to the subject of the penny postage, as otherwise he might be too late in his efforts to make any alteration in a measure that was likely to be recommended by the other House of Parliament upon this subject. He did hope, if her Majesty's Ministers did reduce the postage at all, they would do it according to Mr. Rowland Hill's plan, and not according to the Report of the Committee of the House of Commons, because if they did not, they would not be able to prevent the illegal conveyance of letters. The only way they could hope to prevent that would be, by taking the postage at the lowest rate, namely, a penny. He hoped, also, there would be nothing in that bill that would prevent an individual sending a letter, not in a penny cover, otherwise the Legislature would be against the very principle of Mr. Rowland Hill, which was to induce and encourage letter-writing. The right principle would be, to allow every man to write and send a letter without a stamp, if he pleased, but that all such letters should be charged, upon delivery, at a higher rate. He could not abstain either from adverting to one of the grossest abuses that ever existed in this country in the Post-Office Department, and that was official franking. He saw no reason why the Treasury should not purchase the stamps as well as other persons, and then it would be known what the amount of the money would come to in this way, and thereby the whole of the abuse of official franks would be got rid of. He would also throw out the propriety of allowing persons who purchased stamps, to send their letters by any stage coach, carrier, or steam-boat that might choose to take them, because so long as the revenue was secured, parties ought to have their own option as to the mode of conveyance.

Petition laid on the Table.

Breach of Privilege.] Lord *Brougham* said, it was a thing which very seldom happened to him, to have to complain of a breach of privilege, because he paid little regard to statements made out of doors; but there was one way in which the privileges of that House might certainly be abused, and that was by gross, and manifest, and wilful—and he confined himself to that—wilful mis-statements of what took place in that House. If it had been merely an inaccurate report, he would be the last person in the world to complain of it; on the contrary, it was a matter of wonder to him, as it must be to others, that the reports were so accurate as they were. That was his opinion, but when he saw a wilful misrepresentation in the newspapers, and more especially when it was directly in the teeth of its own report, he felt it his duty to call attention to it, for the purpose of exposing to the people of that country how little faith they could fix upon party statements of facts. He would now appeal to the House, whether any one of the three following assertions, which he was about to read in the paragraph he held in his hand, had any foundation; and if any one Member of their Lordships' House (and that was a great degree of audacity of assertion—that was a bold challenge), if any one of their Lordships would say, that there was any truth whatever in any one of the three following assertions, then he would cease to make any observations:—"The answer was as distinct and satisfactory as any answer that ever was given."—He did not know how far that might be true, but his noble Friend behind him could not think so. It then proceeded—"We are compelled to state"—now what compelled a man to state a gross falsehood he could not tell—except it might be his nature—"that there was not a single Member of the House who did not leave it disgusted with the speech." Not a single Member! He admitted that ninety-nine out of a hundred might have been disgusted. His noble Friend near him (Lord Melbourne) might have felt disgusted, but certainly there were some besides himself who did not leave it disgusted, for he had stated facts. Now there followed a more serious charge—"That the object of the speech was only in reality to indulge in his known inveteracy of hatred to the monarchy." Why he was the person who had defended the monarchy on that occasion, and he had objected to his noble Friend (Lord Melbourne), because he had said too little in its favour, for he only quoted King William—that he could not tell whether he liked best a monarchy or a republic. He declared upon his honour, that he never spoke with less idea of throwing disrespect upon the monarchy. His opinion and his argument was in favour of a monarchy, and it held up the monarchical principle; and if it was not his belief that what had been ill done by one party, and misrepresented by another, endangered the monarchy, he should not have inflicted that speech upon their Lordships. There was one kind of monarchy for which he had not expressed respect, and that was a monarchy which could not carry on its own measures; but that was not his sentiment or his speech—it was the sentiment of his noble Friend behind him, borrowed from King William. He did not believe that any single individual who heard him, had the least idea of that sort. The last paragraph was equally painful and equally false. It asserted, that he had assailed—whom did their Lordships think?—the actual Sovereign! Could anything be more base? Was there a man in the House, however disgusted he might be with his speech—was there one man in the House who could say conscientiously, that he made any—the slightest disrespectful allusion to the Sovereign? On the contrary, he had thought he was unnecessarily endeavouring to prevent the possibility of perversions, blunders, and misinterpretations. He now found that he, not unnecessarily, but uselessly and ineffectually, did so, for all that you could take in the way of pains, to prevent the possibility of that most offensive, and, to him, certainly painful misrepresentation was, he found, all thrown away, for the misrepresentation had been made.—[Several *Peers,* "What newspaper is it?"] The *Observer* Sunday paper—the organ of the Government. Two things appeared to have been in the contemplation of the parties who made that statement:—first, to ascertain what the fact was, and then to find out how they could say that which would be the most untrue, the most injurious, the most offensive, and the most painful to the individual against whom it was made. If it was any satisfaction to the parties to know they had succeeded in one of their objects, in saying that which was most untrue three times over, let them enjoy that satisfaction. He defied any body to surpass them in that; but if they required the other satisfaction of having given any great pain, why it was always painful to see one person hated another so much as to tell such falsehoods: any other pain he did not feel. He knew that if he had not mentioned this to their Lordships, and had held it up as a sort of a challenge, that for the next six months, he would have been misrepresented, first by one paper, then by another, and then by a third, till at last all papers, all speakers at country meetings, all orators at those great, unanimous, hearty, and most respectable and most numerous meetings, like the one at Kensington the other day, which, out of 12,000 inhabitants, had seventy-two present. At all those great, unanimous, and multitudinous meetings, as he saw one account called them, he should have been represented as having made an attack on the monarchy, and actually an attack on the Sovereign on the Throne. He had merely made these remarks for the purpose of repelling the statement, and to show there was not a shadow of foundation for it. The best thing any respectable publication could do, would be to give up the name of the individual who made that false party statement, and suggested it would be a good thing to put forth to the public. If anybody should say that he was interfering with the liberty of the press, of which he was a great advocate, he would answer, that he was only interfering with unlicensed falsehood, put forth to deceive the people of this country, and the sooner the people opened their eyes to such stratagems and falsehoods, the better it would be for the country.

The Marquess of *Londonderry* certainly lamented that the noble and learned Lord had thought it necessary to trouble the House with a repetition of such trash, published in the newspaper he had just quoted. There was not an individual in that House who had not gone away with the conviction, that there never was a more eloquent, a more able, and a more constitutional speech than that made by the noble and learned Lord the other night. He and those nearly connected with him, had been opposed to the noble and learned Lord in political sentiments during the whole course of their lives, but he believed they were all agreed, that they had never heard so able and so clear an exposition of the British Constitution, and of the rights of the people, as that which the noble and learned Lord then made. If the noble and learned Lord had not already had sufficient praise bestowed on him by the universal acclamations and testimonials of regard and esteem he had received from all societies and all towns he had visited, he believed these marks of admiration would shortly be renewed from every part of the country. If the noble and learned Lord had not already had sufficient encomiums passed on him to satisfy his vanity, he believed there would be a renewal of them to such an extent as would overwhelm him.

ROMAN CATHOLIC BISHOPS.] Lord *Wharncliffe* begged to draw the attention of the House to a subject which he conceived of great importance. His attention had been arrested by an account in one of the morning papers, quoted from the *Freeman's Journal*, of a requisition to the high sheriff of the county of Mayo, calling upon him to convene a meeting to address her Majesty on the resignation and recal of her present Ministers. The requisition was signed by the lord-lieutenant (the Marquess of Sligo.) The next signature was "John Archbishop of Tuam," and the third name was "Thomas Tuam." This did appear to him to be gross assumption on the part of the Roman Catholic archbishop, and he must say, it did appear to him, that the conduct of the Protestant bishop was most extraordinary. He should like to know, from the Government, whether they would allow a Roman Catholic archbishop to assume those titles, which, by law, they were under a penalty for using?

Viscount *Melbourne* said, it was a matter for the Irish Government, if they thought fit, to take it under their consideration. But he could not help saying, that if the Protestant bishop concurred in the requisition, he did not think it would have been a wise thing in him to have withheld his signature on the ground that the other individual had assumed the title stated.

The Earl of *Wicklow* could not hear what had fallen from the noble Viscount opposite, without expressing his total dissent from the whole of it. The mode in which the Irish Government was led and dictated to in that country was well known, and it was well known that the noble Viscount here, at the head of the Government, ought to exercise his authority over it. The new bishop was the son of the Lord Chancellor of that country—a person just appointed by the noble Lord himself; and a greater affliction could not have been imposed upon that country, proceeding from that mean subserviency to an individual to whom the noble Lord considered himself indebted, than the appointment of that individual.

SALE OF BEER ACT.] Lord *Brougham* said, that in rising to move the second reading of the Sale of Beer Act Repeal Bill, of which he had given notice, the only thing that operated on his mind as a discouragement to that in which he hoped to be successful, was the consideration, that it might be thought an effort on his part, which would be most contrary to his feelings and fixed principles, to deprive the humbler classes of society of some of the means of recreation adapted to their situation, and which was of no consequence to those who were placed in a different and higher sphere of life. He had, all his life, looked with the greatest suspicion upon every plan which had for its object, under whatever pretence, a limitation of the enjoyments of the common people, where equal limits were not, at the same time, proposed to be imposed upon the enjoyments of those in a higher condition. He had carried this feeling to the utmost extent; for instance, as to the Temperance Societies, no one could approve of them more than he did himself, and the noble Duke opposite had expressed the same sentiment. But he had joined with the noble Duke in refusing to become a member of those societies, for the obvious reason, that it would be no self-restraint upon individuals in his situation, to enter into a bond not to consume ardent spirits, when they had at their command the opportunity of consuming equally deleterious liquor. Why should the noble Duke, or his noble and learned Friend opposite, enter into a society binding themselves not to drink spirits, when they had the perfect power of drinking their claret, Burgundy, and Champagne? He knew plenty of persons who would have no objections to enter into those societies, but they said they would not be guilty of such hypocrisy as to declare that ardent spirits should not be drank, when they felt certain that they could continue to enjoy their wine. He himself felt strongly the objection to drinking ardent spirits. They were the parent of crimes of the worst description, as the police reports showed, namely, crimes accompanied by violence. But, if ardent spirits could be used with great moderation, they had the authority of Burke—no mean authority—for saying that, in moderation, they might be a needful stimulus to the poor man, particularly in the various branches of town industry, in damp positions, and in unwholesome occupations, where stimulus of that description was required. But, passing by that, they were all agreed that, to promote habits of temperance and avoid intemperance and those other offences which he should advert to by and by, as fostered prodigiously by those who kept beer-houses—that to get rid of those evils would be a very great improvement to the morals, the comfort, and the happiness of the labouring classes. He felt that he should not be discharging his duty to the country, to their Lordships, or to himself, if he delayed any longer in bringing the question before the House. He must observe, that some of his noble Friends near him had charged him with having changed his opinions upon that subject. These statements were not more true than many others that were made with respect to him: but the fact was quite the reverse. "How can you," said the letters he was receiving daily, "how can you be against the Beer Bill, who originally brought it in?" If he had brought it in, and found that he had been wrong, that would be a good reason why he should change his opinion. But it did so happen, that he had not only not brought it in, but had opposed it in every way he could. He had brought in a Beer Bill, out of which originated the Committee which proposed and carried the late measure. But what was his proposition—that beer might be allowed to be sold, but not consumed on the premises. That was, he had no objection to its being sold, like bread, or any other commodity, at the chandler's shop, but not drunk on the premises. Now, his bills of 1822, 1823, and 1824, for he had brought forward three, contained a clause prohibiting, under severe penalties, the consumption of beer on the premises. That was, it prohibited the beer-houses, or beer-shops, or public-houses whose sale was confined to beer, and selling without magistrates' license, having only the excise license, from allowing beer to be consumed on the premises. Now, he would explain to their Lordships why he had urged upon them, and upon the lower House of Parliament, (for he was then a Member of that House) why he objected to the Beer Bill, and why he admitted the sale of beer in these shops, but not to be consumed on the premises. In the first place, it interfered with monopoly brewers. That was one, but only a small portion of his reasons. But the principal reason was, that it enabled a person to send his daughter to beer-shops, to get a quart or a pint of beer, for drinking in his own house, without the chance of her being contaminated by being sent to the ale-house. There was another, but a weightier reason, that a man was enticed from the ale-house, if he could only buy beer at these houses to consume with his family at home. He could not, according to the present excise laws, have a sufficient quantity at home, and if he went for it to the ale-house, he was, perhaps, induced to remain there His whole argument had been an argument against the beer-houses, but his principal argument had been, to enable a man to buy his beer at one of these shops, and bring it home to his family. It was then said, why support the bill of 1830, and suffer it to pass without opposition? He had yielded to the Report of the Committee, but he stated that his opinion remained unaltered—that, as they had fully considered and examined the question, they might take the weight and responsibility of the measure on themselves; it was their measure, not his—their bill, not his—and they would see how it would work in practice. He had been urged, a year afterwards, to repeal it; but he had said, no: after a bill was once passed, it would not do to change it the next year because it had failed—it was better to give it a longer trial. He was then a Member of their Lordships' House, and in office, and he had said to his colleagues, give it a longer trial, and then it will be time enough to repeal it if it fails. That was the whole history of his ever having said anything in favour of the measure. He held that nothing was more calculated to bring legislation into disrepute than to try an experiment every year, and the next, without giving it a fair trial, to retrace their steps. Now, he found, after all the petitions, the many hundreds that had been presented at different times, and to the nature of which he would presently draw their Lordships' attention—he found his noble Friend, at the head of the Government, had that night presented a very bulky petition, signed, by he believed, eight thousand, headed by a beer seller, and he dared to say that many of those who signed it were beer sellers. He did not object to that, and he dared to say that there had been many from licensed victuallers whose interests were of an opposite nature. He had no objection to that, but the argument here was raised in favour of the measure, and he thought he could not do better than just state to their Lordships the arguments used against his bill. It stated, first, "that the opening of the trade in beer, whereby the monopoly in that essential article had been broken down, had been productive of great public good, that it had occasioned a considerable reduction in the price of the commodity, and a material improvement in the quality. That many of the petitioners in following their occupations (meaning labourers) were from an early hour till late at night from home, and required dinners and other accommodation suitable to their circumstances, which were formerly furnished by the licensed victuallers, but were now obtained much more easily and cheaply at the beer houses. That many of them in pursuit of business resorted to some neighbouring house, and then in conversations with their friends and neighbours they enjoyed over a pint of ale a temporary relaxation from the cares of business." He wished to God that nothing worse took place at these houses. Then came the last point—"That the general conduct observed in these beer houses, so far as their experience extended, was as moral and as respectable as that observed at public houses, and from the absence of ardent intoxicating spirits there was less temptation to drunkenness." He denied the absence of ardent spirits—and but in a few instances he denied the rest of the argument of the petitioners. Now having read their own allegations of their own case, he would meet them by showing their Lordships facts from the most authentic and undoubted sources of information. If he were to rest his case upon the evidence of licensed victuallers, there might be some objections made, although he would show their Lordships presently that there were many licensed victuallers who had not the slighest objection to these beer-houses. But it was not their testimony that would establish his case—very far from it. It was the testimony of farmers, and landlords, and magistrates, and grand jurors, and reverend clergymen of the Established Church, and of all Dissenting persuasions. It was the evidence of Commissioners, appointed by the Government, to inquire into the state of the habits of the people, with a particular practical view—who had taken evidence on which to found recommendations for a police measure. All those testimonies of various classes of the community were unanimous, and they called for a repeal of the Beer Bill. Now, taking all these classes in another light, not as petitioners but as witnesses, he should state to their Lordships that it was upon their testimony he relied in establishing his case before them. Now, one of these classes, namely, the Magistrates, were said to have some interest in the subject, because it was contended that the Beer Bill took away a valuable branch of patronage, which it was said had been often converted to particular purposes. But what interest had the clergy of the Established Church or the Dissenting clergy in the matter? What interest had such men as the Government Commissioners and the farmers, whose evidence he was about to refer to? He was unwilling to believe that the magistrates of the country would view the matter in the light of a question affecting their interests or their patronage—or that they would be so lost to all sense of truth and honour as to pray their Lordships to pass a measure, on the ground that it would tend to improve the morals and promote the interest of the working classes, while all the time they merely advocated their own private interests. He would be still more averse to say that under the hypocritical and false pretence of improving the morals of the people, they were merely promoting their own patronage. He could not believe that such was the character of the magistracy of this country. Having stated the grounds on which he should rest his case, he would now call their attention to the particulars of the evidence, and which would substantiate the general remarks he had previously made. He would now quote from the evidence of the Commissioners on the subject of the habits of the people, and the state of crime, and he had already told their Lordships to what a degree the beer houses had contributed. In the examination of a solicitor from Welchpool, he found it stated, "The beer shops of this town, the sergeant at mace says, are kept open all night, so long as their customers seek to be served with drink." That was the common complaint every where. But then it might be said, why not enforce the law? The constable was an unpaid yearly officer, who did not serve voluntarily, but endeavoured, like the churchwarden or overseer, to go through his office as quietly as possible, and give as little offence as he might to the poor people among whom he lived. There was also another inducement, they frequented the beer-houses themselves. What if they were well treated there? What if others paid, and they did not, which their Lordships would presently see was the fact? The beer-house keeper, in order to keep him quiet, gave him beer for nothing, and the constable did not like to tell him to shut his shop because it would be shutting himself out, and he would thereby be deprived of the benefit of the company he might meet, and the drink, for he paid no bill. That was the case all over the country. He would now give them the evidence of a respectable farmer of Essex. In speaking of depredations, and his evidence was the more worthy of attention, because that was not the main object of inquiry, Mr. Gregory said,

> "In all cases of depredation on farmers, the plunder must be considerable to be worth while, as the produce was sold at so much less than its value. The great source of evil is the beer-shops. I had hardly lost anything until a beer-shop was set up in my neighbourhood and now I am obliged to watch them every way. They take my fowls, and bring them to the beer-shop to sell or to cook; they cut off the heads of my cabbages, and on one occasion I took a fowl of mine half-cooked out of the pot."

It was added, that one of the parties concerned in these robberies was afterwards transported. Mr. William Kershaw, a canal carrier, also described the nature and extent of these depredations. He said the plunder consisted of every small article that could be carried off, and also flour and malt; and they had places where they disposed of it with great facility. These places were the cheap beer-shops; and the greater portion of the plundered property was sold to the proprietor, or to parties who congregated there. He also had before him the confession of a thief, who was of respectable parents in Manchester, and who stated, that he knew of beer-shops being started by thieves for the accommodation and reception of their fellows. There were two such at Nottingham and another at Chester, four in Manchester in one street, and others at Halifax and other towns. The expense of setting up was only 8*l.* for a license and 8*l.* for stock; the first week paid the expenses. The Messrs. Kenworthy, carriers, stated similar facts, and he had also the evidence of the deputy constable of Manchester, which he referred to merely to show that the evil was not confined to country districts, and that it would not be wise to adopt a proposition to put down beer-shops in the country, and allow them to exist still in towns. In the country, there was less felony, less prostitution, and more of trifling offences; but greater mischief was done to a better class of people, namely, the farm servants. In towns, however, they were very mischievous indeed, and he would only refer to the evidence with respect to Birmingham, Manchester, Huddersfield, Leeds, and Liverpool, as affording a very fair sample of the effects of that measure. In Liverpool it was stated, that they were the source of a great deal of crime—that illicit spirits were frequently clandestinely sold in them. It was added, that it was not always safe for the constable to watch them; and if it was not safe merely to watch them, how could these men be expected to lay informations against them, when they ran the risk of having their heads broke. The magistrates of Leith-ward, in Cumberland, complained that the keepers of beer-shops were appointed as constables at the Court-leet. That he could bear testimony to himself. What hope was there that these constables would do their duty? At a place in Berkshire, it was stated, that three of the constables were reputed drunkards, and one of them the brother of a beer-shop-keeper. The evidence of the high constable of Chester was to the same effect; and it would be merely repeating what he had already stated, to quote it. Mr. Pool, of Howe-on-the-Wold, stated, that the keepers of the beer-shops were all opposed to the farmers, because they spoiled their trade of harbouring thieves. In the report of the Liverpool Watch Committee to the Town-council, it was stated, that there were several hundred of these beer-houses supported by the very worst characters. In Salop the constables stated, that they were in the habit of keeping their beer-houses open till a late hour of the night. Now these facts were not confined to the rural or agricultural districts, but extended to villages, towns manufacturing and commercial, canals and railways. The evidence of the grand jury of the county of

Essex was to the effect, that the demoralizing effect of beer-houses licensed for the sale of beer to be drunk on the premises, still continued, and formed a serious subject of complaint from time to time. The same statements were made by the grand juries of Stafford, Oxford, Somerset, and other counties; and, although they were not in the habit of making presentments on the subject of beer-houses, they had on more than one occasion, as he was informed by a learned Friend of his, expressed to the court their opinion that many minor offences originated in beer-houses, and that was the result of their inquiries when finding bills of indictment. The grand jury of Falmouth reported that females were going about the streets almost in a state of nudity, and intoxicated, the consequence of beer-shops. These were tiresome details, but he thought it better that he should go into such particulars than make a speech on the subject; Mr. Justice Vaughan, in 1839, on the occasion of a child being left to perish, said, that the beer shops, from their causing abuses and immoralities, were to be regarded as public nuisances. It was contended by the petition from London, presented this day, that the regulations of the beer shops were as good as those of the licensed victuallers, and that argument was to be drawn from the state of the returns of public convictions made to the House of Commons. He would willingly put his case upon that issue, because never was there a grosser misrepresentation. The mistake arose in this way; in London in three years the convictions of licensed victuallers amounted to 2,316; of beer shops during the same time of 1,437; upon which, said the political calculators, there were twice as many convictions of licensed victuallers as of beer shop keepers. But then those calculators forgot to take into their account that there were 5,000 licensed victuallers and only 1,400 beer-shop keepers in London; so that, in proportion to the relative number of the two, there were twice as many convictions of beer-shop keepers as there were of licensed victuallers. Liverpool showed the same result. In Birmingham, the returns for seven years, from 1831 to 1838, showed, according to their proportions, very nearly three times the number of convictions of beer-shop keepers to those of licensed victuallers. So much for the regulations of the beer-shops which had been so much bragged of; and their convictions would be many more if the constables only did their duty, but the beer-shop keepers treated the constables with beer and seduced them from doing their duty; whereas the licensed victuallers would not treat them, and therefore were informed of by them. With respect to the effects of beer-shops upon the morals of the people, he was in possession of some of the most grievous and distressing facts. Hardly a petition came to him that was not accompanied by a letter, either from a magistrate, a grand-juror, an overseer, a high constable, or a reverend clergyman, all stating facts similar to what he was about to detail, and they were only to be taken as a sample. The chief police-officer and billet master of Halifax, where there was a population of 22,000, stated, that in the beer-houses there, gambling was very common—gambling by boys, and that in one case out of every two, they were frequented by boys and girls. He said that in these houses it was truly shocking to see girls for the purpose of prostitution, and boys for the purpose of availing themselves of the profligacy of the females. The noble and learned Lord would observe, that all the representations he had made, agreed in melancholy uniformity, as to these places being the resort for the gambling of boys, and the prostitution of girls. He was informed that the general management of those beer-houses was disgraceful; that many of them were kept by persons of the lowest character—persons who lived on the fruits of the prostitution of their own daughters, and who harboured reputed thieves. He supposed those were the persons to whom the petitioners of London referred in their petition, which had just been presented by his noble Friend, when they stated that beer-houses were places for persons in humble life to resort to to have a pint of ale and to enjoy themselves, as a temporary relaxation from the cares of business. The statements from Huddersfield were, that the wives and children of the poor men were exposed to the most painful examples of blasphemy and disorder; that the keepers of beer-houses admitted characters of the vilest description, and that men sent out their own children to follow a course of prostitution, that they might have money to spend in those houses, and that in doing so, they left others of more tender years in a state of sheer starvation. Examples were given, too shocking for him to read to the House, of the most abhorrent cases of female prostitution, and of such profligacy and crapulous vice, as he had never read or heard of before. In Leeds the convictions for drunkenness had increased four-fold since the passing of the Beer Bill. The high constable of Leeds attributed that entirely to the beer-houses. Now he would say, without meaning any offence to the common people, and without any desire to spare the feelings of those in the rank of their Lordships, that as to those which were vices in any rank of life—either gambling or drunkenness—the one being the parent of every mischief, and the other being the parent of every degree of dissoluteness in every rank, that they were ten thousand times worse for the common and industrious artizan and hard working man, than they were for the more elevated ranks of society. The time persons spent at such an occupation in their Lordships' rank was the mere fragment of their time, the money they spent in that way was the mere parings of their fortunes which they cast away; but to the poor man, such habits were destructive to his comforts, his industry, his honesty, and his mind itself. It was hardly possible that he could be an honest man—hardly possible that he could be an industrious man—utterly impossible that he could be a thriving man—if he indulged either in gaming or in drunkenness. Why were the state lotteries abolished? simply because the lower classes should not be induced or encouraged to gamble. While beer-shops had the effect of accustoming the common people to gamble, they generated dissipation of other sorts, in a lower class of people than would naturally be guilty of those excesses but for the beer-shops. Persons who went to licensed victuallers' houses either in town or in the country, were persons of a somewhat superior class in life to those who frequented beer-shops. They were better behaved persons, and they went to better-regulated places. To what good, or with what consistency should the clergy occupy themselves in inculcating piety and morals on a Sunday, and visiting their parishioners in order to tend their flocks and keep them in the right path,—to what good was it, that the Legislature should pass laws to punish crime, or that their Lordships should occupy themselves in finding out modes of improving the morals of the people by giving them education,—what, in the name of Heaven, could be the use of all the education they could bestow,—what the use of sowing a little seed here and plucking up a weed there, if those beer-shops were to be continued, that they might go on to sow the seeds—not of ignorance, but of that which was ten times worse—immorality, broad cast over the land, germinating the most frightful produce that ever had been allowed to grow up in a civilised country, and he was ashamed to add, under the fostering care of Parliament, and throwing the most baneful influence over the whole community? When he addressed their Lordships on these high grounds he really felt ashamed to descend to the mere petty question of finance. But if he did sink down to that, he would say, that he was perfectly confident that instead of a repeal of this bill being an injury to the revenue it would cause an increase of it. Why the utmost revenue which the beer-shops afforded was 100,000*l.*, and if the Chancellor of the Exchequer did not receive that from beer-house keepers he would receive it from a very superior class of persons. He might prove the superiority of licensed victuallers to beer-shop keepers by looking at their average rating. In Rochdale, for instance, the average rating of licensed victuallers was 52*l.* a year, whereas the rating of the beer-house keepers was only 12*l.* a year. It was said, that in England from 1828 to 1839, there was an increase of 3,306,000 bushels in the consumption of malt, and that was attributed to the beer-shops. He would prove that it arose from no such cause, but that it resulted from an increase in the population of the country. The Beer-shop Bill did not extend to Scotland, but there an increase had taken place to a much greater extent in the consumption of malt. In England, its consumption had increased as one in eleven, while in Scotland it had increased as one in eight. It was nonsense, therefore, to attribute it to the Beer Bill. The object of his bill was not to extinguish beer-shops altogether, but to allow beer only to be sold but not consumed on the premises; thereby enabling the poor man to send to the public-house for his beer, but not to drink it on the premises. A great number of the licensed victuallers brewed their own beer. In the country there were 56,000 licensed victuallers, 5,000 of whom carried on their business in London, and of that 56,000, no less than 26,000 brewed their own beer. Of the beer-shops there were 45,000, of which only 16,000 brewed their own beer; and the whole of these 16,000 were in favour of his bill for regulating the beer-shops in the same way as the licensed victuallers; namely, by not allowing them to sell beer to be consumed on the premises without a license from the magistrates. The great ground of objection to this measure was, that after having allured people by the existing bill to lay out their capital in beer-houses, it was now proposed to adopt a measure that would cause their ruin. It was absurd to talk of the capital they had employed; he would venture to say in many instances it did not exceed 12*s.* or 15*s.*, and that it hardly ever exceeded 5*l.* But for his own part he would sooner give some compensation to these parties than allow the present intolerable nuisance to continue. Those who brewed their own beer, had perhaps laid out a capital of 50*l.* or 60*l.*, but that would not be lost because they would be allowed to sell beer still, though not to be drunk on the premises. He felt that he had done no more than his duty in bringing forward the measure in order, if possible, to put an end to the dissoluteness and vice that existed among the lower classes, and such being his object, he trusted he should have the support of their Lordships. The noble Lord concluded by moving the second reading of the bill.

The Duke of *Wellington*, in supporting the second reading of the bill, was anxious to say a few words. Very shortly after the Beer Bill passed, the country became aware that there were great objections to the measure, and from that time to the present he had invariably supported every measure that had been brought forward by any noble Lord, in order, if possible, to remedy the defects of the Act of 1829, but by some influence or other every attempt had proved unsuccessful. Believing the bill of the noble and learned Lord would be attended with great good, he should give it his support, and he earnestly recommended it to the attention of their Lordships. He should in committee do all in his power to render the measure perfect.

The Marquess of *Westminster* had not been induced either by the eloquence or the arguments of the noble and learned Lord to alter the opinions he had always entertained upon the present subject, and he felt no doubt that before he sat down he should be enabled to convince their Lordships that the bill ought to be read a second time that day six months. If the bill passed he would venture to say, that instead of its being the ruin of 45,000 individuals, it would ruin 300,000. He thought, if the noble and learned Lord had devoted his eloquence and wrath to deprecate the gin-palaces, he would have selected a far more proper object on which to cast his indignation. But he supposed the noble Lord had refrained from such an attack, because the noble and learned Lord knew the powerful opposition he would have to encounter. He considered, that the gin-palaces and the licensed victuallers did far more to demoralize the people and injure their morals than the beer-shops. He, therefore, felt bound to shield them if possible from the cruel, unjust, and unfair attack which had been made upon them. If this bill passed, it would either drive the beer-shop-keepers to ruin, or to keeping public-houses. A beer-shop-keeper was called on every year to produce a certificate signed by six ratepayers, of his good conduct; he had to close his premises at ten at night, and he subjected himself to fines and penalties for the most trivial offence. If he served a neighbour with a pint of beer two minutes after the time of closing, he was liable to pay a fine of 40*s.*, with perhaps 5*l.* costs, besides the risk of altogether failing in obtaining a renewal of his licence. The noble and learned Lord had dwelt with peculiar emphasis and ability on the subject of thieves and prostitutes being harboured in beer-houses, but he believed they were harboured to a much greater extent in the houses of licensed victuallers. The noble and learned Lord had also talked of the increase of drunkenness, but there was as much drunkenness in the one species of house as in the other. He could not account for the extraordinary hostility the noble and learned Lord had manifested against the present Beer Bill, but he had been assured, with great gravity and earnestness, by some individuals with whom he had communicated, that it was to be attributed to the noble and learned Lord having purchased an estate in the South of France, and that he intended to become an importer of wine. One great objection, however, to the second reading of this bill was, that it ought to have been introduced first into the House of Commons, and he understood the House of Commons would not pass a bill for the repeal of a tax which had originated in their Lordships' House. Convinced that it would never become a law, he begged to move that the Bill be read a second time that day six months.

The Duke of *Richmond* felt he was taking the part of the poor when he called upon their Lordships seriously to reflect on what had been the consequences of sanctioning the establishment of these beer-shops. He knew many instances in which boys and girls of ten years of age had gone into secluded cottages in which beer was sold—their morals were contaminated, and they were shortly afterwards brought to the Sessions charged with serious crimes. In allusion to what the noble Marquess who had just sat down, had said, he would observe it was not very likely a bill to repeal a tax would be permitted to pass the House of Commons if it originated in the Lords; but that was no reason why the bill should not be referred to a Committee, so that they might be ready with any amendments for the bill that might come up from the Commons. The beer-shops made the public-houses worse than they would otherwise be. The noble Marquess wished gin-palaces were destroyed. So did he, for he believed they were worse than beer-shops—he hated and detested them, and if he were in office, the first thing he would direct his attention to would be to correct that detestable evil. A poor man ought to be allowed to buy beer to drink in his own cottage, so that his family would partake of it; and if some regulation of that kind could be devised, it would be very desirable. He believed, that all the disgraceful riots and tumults that took place in Sussex in 1830 were caused by the beer-shops—it was the first year the beer-shops came into operation. It would be an act of favour to most of the beer-shop-keepers to deprive them of their licences—for theirs was a losing concern; they were quite as much under the command of the brewers as any of the licensed victuallers, and they did not sell so good an article.

The Marquess of *Salisbury* said, if the beer-shops were placed under the same restraint as the public-houses, their Lordships would have no complaint whatever against them. He was rather disposed to vote against the second reading, and wait for a bill which was in progress through the other House, but after what he had heard from the noble and learned Lord, he was inclined to allow the second reading to go, with the understanding, that ample time should be given before the bill was advanced another stage.

The Earl of *Hardwicke* complained of the manner in which convictions against beer-houses were treated; in many cases the magistrates were brought into the Court of Queen's Bench, and actions brought against them for heavy damages. All that was so well understood, that convictions were at an end, and there was no control over the beer-houses as the law at present stood. He hoped this matter would be taken up by her Majesty's Government, and that some clauses would be introduced to protect the magistrates and enable them to do justice.

Lord *Wynford* explained relative to the practice of the Court of Queen's Bench, in cases of actions of trespass. He hoped in the bill now before their Lordships, a proper form of conviction would be provided to prevent the recurrence of these actions. [Lord *Brougham:* There is a form in the bill.] He was glad to hear it. He thought the evils of beer-shops were as great as they had been described by his noble and learned Friend, in his eloquent speech; but the evils of beer-shops sank into insignificance when compared with those of the gin-palaces. He hoped the Government would direct their attention to that very important subject. If he were a Member of the committee to which the present bill would be referred, he would move the insertion of a clause to prevent any person carrying on a beer-house who did not brew the beer on his own premises; and thus prevent his being, as was too frequently the case, the agent of some great brewer.

The Earl of *Warwick* supported the bill. The evidence of the demoralizing effects of beer-shops in the county with which he was connected was most extensive and authentic.

The Earl of *Harewood* said, that although he was connected with a very extensive district of this country, he was not commissioned to state anything on the subject, further than what he collected from the petitions which he had presented; but he could bear testimony to this, that he had never heard anything from any human being but a complaint of these beer-shops, and more particularly in the neighbourhood of the large manufacturing towns, where scenes were going on daily and nightly, which it was quite out of the power of the police and of the magistrates to control. This was almost the only subject he ever knew, on which there was one universal feeling expressed throughout the country. He should support the present motion, and vote for the bill going into a Select Committee, and should not consider the subject connected with revenue at all. He would say, for the benefit of the people, at all risk, do away with this system, which was one of the greatest evils that ever had been inflicted upon them. It was absolutely essential for the morals of the people that it should be done away with.

Lord *Portman* said, that when this bill was introduced, which had been now so much complained of, he moved that it should be read a second time that day six months, and the noble and learned Lord on that occasion made a very eloquent speech in support of it, as he had now made in condemnation of it. However, as it was, he was happy the noble and learned Lord had now applied his great mind to it. He should have been disposed to have supported a bill for the absolute repeal of this Act. He believed, there could be no amendment of the bill in advance, it must be in retreat; and their Lordships would never effectually accomplish the object until the bill was entirely repealed. The object of their Lordships was, to supply the poor with good beer to be drank in their own houses; and the only way to do that, would be to facilitate the sale of beer by the brewer, to be drank off the premises. He should consent to the second reading of this bill, in the hope that in a Select Committee it might be made useful to the public. Nobody could take any part in the way of getting rid of the Beer Bill who did not do the greatest benefit to the poor.

Viscount *Melbourne* said, that as this was a subject of very great importance, and as there seemed to be a general desire on the part of the House that it should be referred to a Select Committee, he should not offer any opposition to that; at the same time, he could not pledge himself or the Government in the other House to the adoption of this bill or any other bill on this subject.

Lord *Brougham* said, that of course the Government and the other House would exercise their own judgment on the question, but he trusted to the good sense of the Members of the other House, that they would pay attention to the voices of all the grand jurors, the magistracy, and the respectability of the country. The noble Marquess (Westminster) entirely mistook him, if he thought he had changed his opinion as to the use of ardent spirits. If the use of ardent spirits could be put an end to that would be a great benefit to the public, but he had never been able to see a prospect of that yet. If the duty on spirits were increased, then in proportion would illicit distillation take place. He had thought, when he first brought a bill on the subject of making the trade in beer free, into the House of Commons, that if they gave better beer to the poor, that would discourage the poor from going to gin-shops, and upon that impression he acted. The popularity which the Government in the other House thought they could gain in the country by resisting a measure of the sort now proposed, was nothing short of a popularity to be gained by going against justice. There was a great disposition in the other House to go against the magistrates, and in that way to gain a popularity with such persons as kept these beer-shops; but he did not think that would tell in the long run. If there was to be an appeal to the country, it would then be for the Government to consider whether they would consent to lose the favour of the beer-shop keepers, or the favour of the licensed victuallers, to the amount of 56,000, scattered all over the country. He knew the influence of licensed victuallers, and they were not silent people. It was to be remembered, too, that in running up the score at the Treasury for votes, it was always considered that the publicans, the brewers, and the bankers, were three of the most important classes of persons to look to. That was according to his experience. [The Marquess of *Westminster :* And the clergy.] But the clergy went, on this occasion, with the three he had enumerated. There were the ladies, too, who were not an uninfluential body, and they were with him in this instance; so that if his noble Friend would only look at that score, he thought, that, on reflection, he must support this Bill. Things that he had known done twenty years ago, he was morally certain could not be done now. He had known magistrates at sessions refuse to give a new licence to a man, because he had not voted rightly. He was sure that would not be done now. The magistrates now had their conduct so narrowly scrutinized, that no persons led more the life of a toad under a harrow than they did. He thought, that in committee they could so shape the bill as to ensure justice being done to all parties. With respect to what the noble Marquess had stated, relative to the purchase he had made, such was its magnitude, that one of the noble Marquess's halls or picture-galleries could contain it. As to the wines there, they were bad, but they had good oil. He trusted that the noble Marquess would honour him with a visit, and if he did, he would show him a beautiful and healthy climate. He had no objection to refer the Bill to a Select Committee, provided it was understood that so referring the Bill did not delay it. If the House of Commons should refuse to receive the Bill, which he did not anticipate, he could not help it. Notwithstanding what his noble Friend had stated, he must say, that the effect of this bill would be to repeal the present existing measure. In conclusion, he felt no doubt that their Lordships would at once accede to the second reading of the bill.

The Marquess of *Westminster* withdrew his amendment.

Bill read a second time.

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HOUSE OF COMMONS,

Monday June 3, 1839.

MINUTES.] Bills. Read a third time:—Deanery of Exeter.—Read a second time:—Metropolitan Police; Metropolitan Police Courts; Summary Jurisdiction.

Petitions presented. By Messrs. GROTE, P. HOWARD, COLQUHOUN, PEASE, Sir G. STRICKLAND, Sir W. BRABAZON, and Sir DE LACY EVANS, from a great number of places, for a uniform Penny Postage.—By Messrs. LUCAS, T. EGERTON, ESTCOURT, PLUMPTRE, COLQUHOUN, HUGHES, M. PARKER, Sir R. INGLIS, Sir E. KNATCHBULL, Lords TEIGNMOUTH, and MAHON, from a great many places, against the Government plan of National Education.—By Mr. CHRISTOPHER, from Sir David Brewster, and others, to make the Scotch Universities responsible for the continuance of the purity of the Bible Texts.—By Mr. BLACKETT, from an Agricultural District in Northumberland, for the Immediate Repeal of the Corn-laws.—By Mr. LIDDELL, and Mr. PEASE, from two places, for the Repeal of the Bastardy Clauses in the New Poor-law Act.—By Mr. PEASE, from a place in Scotland, for the Total Abolition of the Punishment of Death.—By Mr. W. EVANS, from Derby, and Shoreland, against the Mails running on Sundays.—By Sir W. BRABAZON, from Mayo, and Mr. LUCAS, from one place, against the Repeal of the Corn-laws.—By Sir R. INGLIS, from Aylsham, against the Ecclesiastical Duties and Revenues Bill; from one place, in favour of Church Extension in the Colonies; and from Torquay, against encouraging Idolatry in India.—By Mr. M. PARKER, from one place, against the Copyhold Enfranchisement Bill.

SLAVE TRADE.] Sir *R. Inglis* rose to put the question, of which he had given notice, with respect to the Foreign Slave-trade. The House would recollect, that the noble Lord, the Foreign Secretary, had pledged himself and the Government to use every means in their power for the suppression of the foreign slave-trade. All the accounts, however, both public and private, which reached him, induced him to believe, that that inhuman trade was carried on to a greater extent, and with more horror than was ever previously known. He trusted that the noble Lord would now state to the House what measures the Government had adopted, or intended to adopt, to suppress this great curse and crime.

Viscount *Palmerston* had stated some time ago, that it was the intention of Government to propose to Parliament a bill to give additional powers with regard to that part of the foreign slave-trade which was carried on under the Portuguese flag. He should already have moved for leave to introduce such a bill, but he wished beforehand to submit to Parliament the correspondence which had taken place between the British and Portuguese Governments upon the subject. That correspondence had been some time in the hands of the printer, but owing to some accidental circumstances, it had not been delivered. He believed, however, that it would be ready in a few days, and as soon as it was produced, he would give notice of the day on which he would move for leave to introduce the bill.

Sir *Robert Inglis* trusted, that the noble Lord, in consideration of the human suffering which this trade daily occasioned, would not lose one hour in taking the necessary steps to prevent it.

CANADA.] The Order of the day for taking into consideration the Queen's message with respect to the Canadas having been read,

Lord *John Russell* said: It is now my duty, as a Minister of the Crown, to call upon Parliament to lay the foundation of a permanent settlement of the affairs of Canada. I think, upon general grounds, there are sufficient reasons why Parliament should at present be asked to take some step which may indicate the policy that Parliament will, in future, pursue with regard to those complicated and disturbed affairs. We have had various commissions of inquiry—we have had reports from those commissions laid upon the Table of the House; and the abrupt termination of the mission of Lord Durham made it, in our opinion, inexpedient to appoint any other person with similar authority to report again with regard to the facts of the case, or to state the views which he might take of the best manner of meeting its difficulties. But there are other and special reasons why, in my opinion, Parliament should be ready now to declare its opinion with regard to the principle upon which the legislation of Canada is in future to be guided. When Parliament last year passed an act, which was agreed to by very large majorities in both Houses, to provide for the temporary government of Canada, it was supposed, that the powers granted by the act were so extensive that they partook—as its opponents represented—so much of an arbitrary and despotic nature, that it would not be necessary for the person exercising the authority of the Crown in Canada to apply to the home Government for any further powers as the means of preserving peace in those provinces. But at the end of the last Session of Parliament, in consequence of an ordinance passed by Lord Durham, new views, as I think, were stated with respect to the powers conferred by that act of Parliament. Very learned authorities supported a view, not merely questioning that particular ordinance of Lord Durham of which it is not necessary for me to speak; but disputing and doubting altogether the extensive nature of the powers which, in the opinion of the Government, fortified by that of the Lord Chancellor and the Attorney-general, had been conferred upon the Governor-general of Canada. The consequence of that interference of Parliament—I am not now speaking of whether it were a necessary or politic interference—but the consequence in point of fact of that interference was, that a tribunal in Lower Canada, expressed on one particular occasion, strong doubts as to the validity of the act to enable the Governor-general of Canada to detain persons suspected of high treason. Two of the judges concurred in an opinion that a person who had been so detained was entitled to a writ of *habeas corpus*. The Governor, by the exercise of an authority very sudden and very arbitrary, but as I am disposed to say, extremely necessary, refused to allow this writ to be executed. He justified the officer who refused to produce the body of the prisoner, and he suspended the judges who had given an opinion contrary to the effect of his ordinances. I say, that in the circumstances in which Canada was then placed, with an impending rebellion—with resistance already begun in some portions of those provinces, if the Governor had acted otherwise, his hesitation would probably have been the cause of great bloodshed and a very protracted struggle, even if he had not risked the safety of the provinces altogether. But, at the same time, I say that an Act of Parliament should not be left in such a state that the Governor should be obliged to resort to such extreme measures as the suspension of judges, who, no doubt, had acted conscientiously, taking into their view, (I understood, indeed, that that was the main ground of their proceedings) the opinions given in this country by learned individuals who had filled high offices in the State, and thereby induced to give a decision in court which tended to make the powers of the Government inoperative, and to place the safety of the province in danger. It may be said, that the simple and the single remedy for such a state of things would be, to call for fresh powers—to explain in more definite terms those powers which were conferred by the Act of last year, and to take care that that Act should be sufficient to arm Sir John Colborne, or whoever the Governor of the province may be, with legal and undoubted powers to preserve its peace and tranquillity. But, viewing the state of the province with regard to inquiries generally—looking at the information which is before the Government and before Parliament with regard to this subject, I do not think the Government would be justified in coming down to Parliament and asking for further and more definite powers, unless they, at the same time, asked, that some principle should be established by which a future government, and, I should say, a future free government, of the Canadas could be secured when these temporary powers shall cease to be in force. These, therefore, are the grounds upon which I say that the time is come when Parliament should be called upon for an opinion as to the principle, at least, of the future settlement of the affairs of the Canadas. I will now recal to the attention of the House the Act which, by her Majesty's message, it is proposed in its chief enactments to renew, to the series of transactions which took place in consequence of that act, and to the representations which have been made by Lord Durham as her Majesty's high Commissioner. The Act of 1791, which provided for the separation of the two provinces, appears to be, from all that I have read of the speeches delivered by Mr. Pitt in this House, and by Lord Grenville in the other; and from all I have heard from persons who were acquainted with the general transactions of that period, the grounds upon which that Act was founded appear to me to have been principally two. The one was, that there being an influx of British emigrants into Canada, and with them an increase of British industry, British habits, and fondness for British institutions, it seems to have been conceived—I will not detain the House by quoting passages from the speeches of the time—but it appears to be very clearly shown, that it was conceived by Mr. Pitt and Lord Grenville that by dividing the province into two, the French population might remain in that portion thenceforth to be called Lower Canada, whilst British emigrants would have free scope for their industry, and free power to establish their own institutions, and to abide by their own customs, in the other portion of the province, which was to be called Upper Canada. Another reason upon which I conceive the bill was founded, though that certainly is not so clear—but it seems to me to follow from the state of the times and the views taken by the Government of that period—another reason was, that it was thought advisable that the French inhabitants being at once very loyal to the Crown, of very simple habits, and possessing institutions to which they were very much attached, should have preserved to them the means of maintaining those institutions. By this plan, then, it was intended to reward them for their previous loyal conduct, and to give them a security for the future stability of their institutions. Speaking with great respect of those who introduced the constitutional Act of 1791, and readily allowing, that there might have been at the time reasons of which we cannot properly judge—for we have no right to make use of our own experience in affording a reason for condemning the authority of that measure—readily allowing this, I do think, that upon both the grounds to which I have alluded, that Act was a mistaken act of policy. It appears to me to be quite impossible that you could so contrive a division of the two races as to keep the British in Upper Canada distinct from the French in the Lower Province. And even if that took place, the consequence was sure to follow, that the French in Lower Canada would seek to deprive the English of the Upper Province of those natural advantages, which a free communication with the sea by the river St. Lawrence, would necessarily confer. In the next place, I do not think that there was any thing in the old French institutions, or in the habits of the French people, which at all deserved to be retained, or that the government should take means to preserve. I think that the policy should rather have been to give the greatest power to the emigrants from this country, to have amalgamated the institutions of the two provinces, and to have brought them as near as possible to those of England. But whatever may be the judgment of the House with respect to the bill, as it was then introduced, we have had an opportunity of seeing the very serious, and I think the very dangerous consequences which have flowed as certainly from that act as any effects can ever be said to flow from any cause. For many years, indeed, the people of Lower Canada being chiefly French, and little curious of inquiring into the powers which they had acquired by the Act of 1731, made no opposition to the Government at home; but, as was perfectly natural, there grew up in a little time in Lower Canada a considerable population of British race, British habits, and possessing to the full the British love of enterprise, bringing with them great commercial capital, and anxious to push to the utmost the advantages which were to be derived from the rich soil and the opportunities of trade which the position of Lower Canada afforded. The result was, that strong opposition was made by the House of Assembly of Lower Canada to the views of the Crown in England, and for some years it appears to have been the practice of the Crown—a practice justly reprehended by the committee of 1828—to make an appropriation of the supplies of Lower Canada, which supplies were never voted by the House of Assembly. A method, indeed, was adopted in order to prevent the governor and the servants of the Crown in that province from being completely overwhelmed by the opposition of the House of Assembly, of composing the Legislative Council almost exclusively of persons of British origin. I think, that that also was not a politic course of proceeding. The effect of it was to produce in the Legislative Council a great majority of persons of British race, of different views, and totally different opinions from the majority of the House of Assembly. There thus grew up a constant opposition, a constant source of irritation between the members of the House of Assembly chosen by the inhabitants of Lower Canada, and the British majority in the Legislative Council, placed there by the Crown. It was found, that that mode of proceeding tended ultimately so much to dissension and disunion—that the business of the province could not be carried on, and that the governor was obliged, year after year, to report the failure of his attempts to induce the House of Assembly to adopt those measures which had been recommended from the Home Government. At length a committee was appointed in 1828, which committee made various propositions of amendment—propositions which I stated to the House last year in detail, and to which it is of course unnecessary that I should again refer. These propositions, it must be said, were fairly admitted by the Government of this country as soon as they were made; but by the time that the Government had determined to grant everything that could in fairness and justice be demanded by the House of Assembly, that body, elated by what they conceived to be a triumph over the Mother Country, made demands totally incompatible with the relations between the parent state and a colony—demands which would deprive the British population of the province of all power, and the representatives of the Crown of all control—demands which in fact would, if granted, have established, under the name of a British province, an independent French colony in Lower Canada, Great Britain having only the burden of contributing her fleet and armies to support and sustain the colony, or rather the public, against any enemy that might chance to assail it. In consequence of these proceedings in the year 1837, I proposed certain resolutions to the House, and which resolutions, after long and repeated debates, were adopted by a very great majority. Those resolutions negatived the proposal of the Assembly of Lower Canada, and declared that it was the resolution of this House not to agree to the demands which the House of Assembly had said were the *sine quâ non* for granting the supplies. The resolutions went on further to declare, that the House of Commons would, by authority of Parliament, provide for the payment of those servants of the Crown in Canada, whom the Assembly had for more than three years left without any pay. The consequence of that proceeding on the part of this House was increased discontent and irritation among the French leaders, and those who followed them in Lower Canada; a feeling of irritation, which went to such an extent, and was so dangerous in the eyes of Lord Gosford, who was then the governor of that province, that after procuring the best information he could obtain, he thought it necessary to issue a warrant for the apprehension, on the charge of high treason, of many members of the House of Assembly, which members, with few exceptions, immediately left the country, and then the rebellion took place on which was founded the act of last year. It was in consequence of that act, and under the powers of that act, that Lord Durham was sent to Canada. He was there for no very long period, and I think considering the difficulty of the details of the administration, and the immense amount of business necessarily before him, that the attention he paid to the general state of the province shows, that if he had been able to remain for the whole time originally contemplated, we should have received from him a very detailed and satisfactory account of measures by which the evils of Canada could have been remedied. As the matter stands, the report of Lord Durham contains at great length, and in very forcible language, a picture of the evils of Lower Canada, a description of the sources from which those evils have been derived, and a very strong, and I hope a somewhat too strongly, coloured picture of the animosities existing between the two races of the French and British in that colony. I come then to the question of the remedy which is to be proposed for these evils. But, before I state the proposition for the re-union of the two provinces, I beg again to place before the House the fact, that the chief evils with which we have had to contend, appear to have been derived almost directly from the act of separation of the colony. It is at all events difficult to deny, that those evils have flowed from that cause. One great evil is the entire predominance of the French party in the House of Assembly, that party refusing that any French habits, French laws, or French tenures should be altered, and declining to give their assent or approbation to any law by which British enterprise could be encouraged. That was the result of the French people having received by the constitution of 1791, a decided majority in the representation. However incompatible the proceedings of the Assembly may have been to the general interests of the province, and however ill they may have used their power, it appears to me to have been the necessary consequence of their position, and the direct result, that might have been expected from the powers they possessed, knowing, as we must, their inclinations and dispositions. Another very serious matter is, that the people of the Upper Province have been unable to carry on trade in that unrestricted manner in which they feel themselves entitled to do, for want of having immediate communication with the sea. In the address from the Constitutional Association of Montreal to the inhabitants of British America, they say, "Upper Canada, repulsed in her endeavours to open a direct channel of communication to the sea, has been driven to cultivate commercial relations with the United States, whose policy is more congenial with her own." They say again, Upper Canada is honourably distinguished for works completed and in progress, remarkable for their magnitude, and for the extensiveness of their destined utility. The St. Lawrence Canal, at this moment in active progress, will complete an uninterrupted navigation for vessels of considerable burden from the upper lakes to the line dividing that province from Lower Canada; but at that point the spirit of British enterprise encounters the influence of French domination; the vast design of rendering the remotest of the inland seas accessible to vessels from the ocean, is there frustrated by the anti-commercial policy of the French leaders. We look in vain to their proceedings for any manifestation of a desire to cooperate in the great work of public improvement which animates, as with one spirit, the entire North American population of British descent; nor is their adverse disposition less visible in their opposition to other important designs; they either refuse to grant charters to carry into effect works of acknowledged public utility, or when, after repeated and earnest applications, charters are obtained, they are clogged with restrictions of an unusual character, in the hope of rendering them inoperative." Thus it is, that whether with regard to political interests, or whether with regard to material interests, we find that the act which separated the provinces, is the act which has been the cause of the political dissensions in Lower Canada and the cause also of arresting all enterprises of great public utility, and of promoting the means of commerce in the Upper Province. It would seem, therefore, if we were to look no further than to the evils and their cause, that the proper remedy of them would be, to unite those provinces whose separation has been the evident cause of them. But, before I state any further reasons in support of that plan, or of the mode by which I think it may be carried into effect, I wish to state another plan that might be proposed, and the objections which I think are conclusive against it. One plan might be, the continuance of what I should call the constitutional power now existing in Lower Canada, the continuance of the power of the Governor and Special Council to dispose of the whole of the taxes, and to make laws for that province. I think any very long continuance of such powers, without a prospect of some change, and of returning to a free Government, would be repugnant to the feelings of any people who have been once governed by constitutional principles; but, above all, repugnant to the feelings of a large proportion of the inhabitants of the continent of America. We now see that, with regard to no part of the continent of America, either in the north or in the south, is there a despotic power vested in any one head, or in any small or oligarchical body. Even those provinces which formerly belonged to Spain and Portugal, however ill they may have carried it into effect, have acknowledged the representative principle of Government. If, then, you were to have in Lower Canada a large population—a population of not less than 150,000 of British descent, with a state of the law by which their wishes were not at all consulted, by which an arbitrary power was enabled to rule, and of the termination of which there was no speedy prospect, I think you would soon find that there would grow up a feeling of discontent on the part of both races—both of the British races who have been accustomed to freedom and the practices of freedom—and of the French race, who would remember that they had not long ago enjoyed very great power in the choice of the Assembly. If, then, this plan would not be sufficient, let us consider next the plan which I find to have been suggested by Sir Francis Head, Lieutenant-governor of Upper Canada, namely, that the district of Montreal should be added to Upper Canada, and that Lower Canada should be differently governed. That would apparently provide for some of the wants of Upper Canada, but I do not think it would do so in effect; because, if you still have a French Assembly in Lower Canada, although the interruption to trade might not affect the same parts, there would be the same spirit prevailing, and the same obstacles to that free enjoyment of trade which the people of Upper Canada had a fair right to expect would exist. But there is this further consideration. This plan seems to be adopted solely for the benefit of the province of Upper Canada, without the interests of the inhabitants of Lower Canada being at all consulted. Now, as affecting Lower Canada, if such a plan were made permanent, you would necessarily reject that which I just now spoke of—namely, that of having a Governor and Special Council, and you would be obliged again to resort to an assembly with an overwhelming majority of members of French origin. I think, after what has happened, after the declarations made by the Assembly of Lower Canada—after their refusal to legislate unless powers were given to them which had been already shown to be incompatible with the political condition of the province, and destructive of British interests there, if you were to have the British population of Lower Canada again subjected to the revived predominance of a French assembly, it would excite the greatest degree of discontent, and I am prepared to say of just discontent on the part of that population, as well as on the part of the Imperial Parliament. Then, Sir, I know not, taking the matter in this view, and considering what the remedy ought to be, if you can neither establish an arbitrary government in Lower Canada consistently with your general principles, and with the consent of the province, and if you cannot re-establish a separate Assembly, I know not what plan you can resort to, unless it is by an union of the two provinces to give to the British population of Upper Canada, and to the British population and French population of Lower Canada, equal and free institutions, by which a representative constitution may be carried into effect, and all the means of promoting the prosperity of both provinces may be fully obtained. Thus, then, I arrive at these general conclusions in balancing these propositions. I say, first, if you look at the history of what has occurred since the enactment of 1791—if you look at the difficulties of administration, at the insurrections, at the want of good laws in Lower Canada, you are led to the conclusion that those evils have flowed from the separation of the provinces. If, again, you look to the remedies that can be applied—if seeing what you must see, that the present state of things being only temporary, it is necessary to lay down a foundation for some permanent settlement of the colonies—then you must feel that any foundation must fail of producing the desired effect, unless it be a proposition for the union of the two provinces. From a consideration both of the evils and of the remedy, I am irresistibly led to this conclusion. There is another scheme which I have not mentioned—although of a far more extensive nature—because I believe it has been at present abandoned by its proposers: I mean the scheme for the confederation of all the North American provinces—each province having a separate Assembly, and, at the same time as it were, one supreme Assembly over all. Upon that subject, more than a year and a half ago, I consulted a person, whose opinion is always deserving of great weight in reference to this particular question, and to all matters referring to Canadian affairs, I mean Sir James Kemp. I asked him his views, and he told me that he was convinced, from the state of the provinces, and of the communications between Nova Scotia and New Brunswick, and Upper and Lower Canada, that such an union would not be practicable; that it would lead to the greatest inconvenience on the part of the representation of the interest of New Brunswick and Nova Scotia; and that he would strongly dissuade the Government from entertaining such a proposal. That was the opinion of Sir James Kemp before Lord Durham went out to Canada. Lord Durham went out, after considering every plan, very much disposed to favour the plan for a general union of the provinces; but the result of all the communications he had had with persons there and in this country, interested in the welfare of Upper Canada, and of the British population in Lower Canada, had led him to the conclusion that he could not, consistently with his duty to the Crown, recommend such a union. Having thus stated the general reasons which weighed with us in favour of the legislative union of the two provinces, I think it only necessary to state shortly, at present, the principles upon which we think a legislative union ought to be founded. One main consideration evidently is, in what manner the representation is to be formed?—whether it is to be a representation, giving to each province a certain number of members, or whether it is a representation giving a certain number of members in proportion to the population, or what other scheme? Upon considering these various matters, and discussing each proposition, it is our opinion generally, that you ought not to lay down any precise number of representatives for Lower Canada and for Upper

Canada, and that likewise you ought not to lay down as a principle, that the population alone should be considered. It seemed to us, that it would be necessary, in forming the union, and before that legislative union could be properly completed, to have taken into consideration all the matters relating as well to the population as to the territories upon which a good representative system may hereafter be founded. Whatever may be the case with regard to old countries, yet in providing a representation for a country which twenty years ago had hardly any inhabitants, but which has now become very populous, it is necessary to keep in view that the same increase of population may go on, not only by births, but by immigration; and that, therefore, it would be proper to combine the consideration of territory with population, and to lay down, as a general basis, that you will combine those two principles, and give a representation which may not be actually suitable to the amount of the population at present, but which several years hence would more correctly be a representation of the people, than if they were to lay down for their guidance the present state of the population. In taking this principle, it appears to me a reasonable one. One great advantage and effect of that principle would be, to give greater weight to the British inhabitants of Lower Canada, because many of the evils of Canada have flown from the extreme jealousy of the French inhabitants and the introduction of new laws, new enterprise, and new trade into their province. I think the true policy of this country, not only with regard to England and the Imperial Parliament, but as regards the future interests of Upper Canada, is to give a British character to the whole province, to allow British laws and British legislation to have a thorough scope;—to take care, by all means, that the French population shall not be oppressed, that they shall not suffer from any injustice, but at the same time not to allow their jealousies and their attachments to their own customs to stand in the way of that great progression which I trust Canada is destined to make, and which alone can make either a province or a state prosperous and happy. Such, therefore, would be the general principle of that united legislature which we recommend; but it is a general principle which it must be perceived by the House cannot be carried into effect by any bill at present to be introduced It is a plan which will require previous inquiry on the spot from persons who have an intimate knowledge of the state and circumstances of Canada. There is one portion of Lord Durham's report to which I will immediately advert in connection with this subject. He proposes that there should be power given to the Governor to suspend by proclamation the writs for any electoral districts in which any disturbances may have taken place, stating specifically the grounds for such suspension. This does appear to us a very objectionable power to be given to the Governor. The Governor might, indeed, state the grounds of his determination fairly, but it would always be suspected that the real grounds were in order to give an advantage to one party over another. It therefore seemed to us better to adopt some general principle, such as I have already mentioned, and better to delay carrying into effect those principles for some considerable time, rather than run the danger on the one hand of appearing to introduce the representative principle, at the same time introducing it with such large and objectionable exceptions; or, on the other, of giving representatives to a district almost universally engaged in insurrection, and whose presence in the assembly could really lead to nothing but dissension and mutual accusation; it appears to us, therefore, both on the one ground and on the other, that it is better to postpone to a future period the calling together of any assembly for legislative purposes. We accordingly propose that no assembly should be called together for the two united provinces till the year 1842. It follows, as a necessary consequence, that we should propose to continue all the temporary powers now granted to the Governor and Special Council till that period. I will now advert to some of the proposals contained in the report of Lord Durham, which I greatly regret have not been more developed than they have been, I do not think, that blame is attributable to Lord Durham for their want of greater development; because to whomsoever blame may attach, from the abrupt termination of his Government, he had not the means of sufficiently discussing the particulars and details of each of his propositions in a manner which might have entitled them to the confidence of Parliament and of the Crown. He proposes, that there should be local elective bodies in the provinces subordinate to the general legislative body. In that proposition we are disposed to agree. We think there should be elective bodies in the nature of municipal bodies, with power to levy local taxes for the formation of roads, bridges, and all other necessary local purposes. He also proposes, that there should be a supreme court of appeal for all the North American colonies. That is a question, however, which must be reserved for a separate measure. With regard to the constitution of the Legislative Council, the report of Lord Durham does not contain any very different proposal from the resolution of this House, which declared, that it was not expedient to give the Legislative Council an elective character, but that it was expedient to give it greater weight, with a view of inspiring greater confidence in its proceedings. It appears to us, that the best mode by which that could be effected, without adopting the principle of election, and which would seem to give it some conformity with the character of a representative council, would be, to make it necessary, that the persons appointed to the Legislative Council, should either have been members of some popular assembly to which they had been elected by the people, or have been placed in some office by the Crown which might serve as a proof, that they were persons to whom the public or the Crown had thought fit to intrust important duties. Of the management of the Crown lands, which is a very extensive subject, it is not necessary for me to say anything. We shall propose, with regard to the Crown revenues, that the Assembly shall have the power of applying them when a provision shall have first been made by that Assembly for an adequate civil list. It is very evident, that the disputes which have arisen between the Crown and the popular Assembly, on the subject of the appropriation of the public money can only be stopped, if stopped at all, by complete confidence existing both on one side and on the other. If you give to the Assembly, power over the greater part of the revenue, and at the same time withhold a part, and refuse to them the administration of that part, that body will entertain the same feeling of jealousy with regard to that part so withheld, which they have done with regard to the whole. If, on the other hand, the House of Assembly should refuse to make a permanent provision for the salaries of the public officers, and for the necessary administration of the Government, and of justice, in the colony, they would completely paralyze the Government, and on their side could not, therefore, expect, the Government of the colony to be carried on in a manner to their own satisfaction. There is another question upon which I am now going to state an opinion, which question I think is of the very greatest importance, and upon which Lord Durham has expressed an opinion contrary to that entertained by this House—I mean the question with respect to the responsibility of the individual holding the office of Governor in the province. Lord Durham has stated, that an analogy existed between the representative of the Crown in the colony and the constitutional responsibility of the Ministers in this country. He states, that as soon as the Ministers of the Crown have lost the confidence of the House of Commons in this country they ceased to be Ministers, and that they could not go on with the Government with a constant minority. He adds, that it is certainly a most unusual case for a Ministry to go on for several months in a minority — and he then attempts to apply that principle to the local Government of Canada. Now, the resolution of the House on this subject was in these terms:—" Resolved, That while it is expedient to improve the composition of the Executive Council of Lower Canada, it is unadvisable to subject it to that responsibility demanded by the House of Assembly of that province." This House upon my motion came to that resolution, and I must own, that there is nothing in this report which has at all in my mind shaken the argument by which at the time I supported that resolution. It does not appear to me, that you can subject the Executive Council of Canada to the responsibility which is fairly demanded of the Ministers of the executive power in this country. In the first place, there is an obvious difference in matter of form with regard to the instructions under which the Governor of a colony acts. The Sovereign in this country receives the advice of the Ministers, and acts by the advice of those Ministers, and indeed there is no important act of the Crown, for which there is not some individual Minister responsible. There responsibility begins, and there it ends. But the Governor of Canada is acting, not in that high and unassailable position in which the Sovereign of this country is placed. He is a Governor receiving instructions from the Crown on the responsibility of a Secretary of State. Here then at once is an obvious and complete difference between the executive of this country, and the executive of a colony. The Governor might ask the Executive

Council to propose a certain measure. They might say, they could not propose it, unless the Members of the House of Assembly would adopt it, but the Governor might reply, that he had received instructions from home commanding him to propose that measure. How, in that case, is he to proceed? Either one power or the other must be set aside. Either the Governor or the House of Assembly, or else the Governor must become a mere cipher in the hands of the Assembly, and not attempt to carry into effect the measures commanded by the home Government. But, if we endeavour to carry out this analogy, there is one case that all the world allows is a case in which it could not be applied—I mean the case of foreign affairs. If the Assembly of New Brunswick in the late collision carried on a dispute with the North American States. [*Interruption. Cries of* "*Order!*"] The subject (continued the noble Lord) is certainly a very important one, and although I may express myself in very inadequate terms, yet I do conceive, that, as it is in my opinion, one of the most important points contained in Lord Durham's report, and one on which I differ with him, I ought to state the grounds of that difference. I say, if the Assembly of New Brunswick had been disposed to carry the point in dispute with the North American States hostilely, and the Executive Council had been disposed to aid them, in my opinion, the Governor must have said, that his duty to the Crown of this country, and the general instructions which he had received from the minister of the Crown, did not permit him to take that course, and, therefore, he could not agree with the Executive Council to carry into effect the wish of the majority of the Assembly. That is allowed. Does not then this very exception destroy the analogy you wish to draw, when, upon so important a point as that of foreign affairs, it cannot be sustained? Again, neither could this analogy be maintained with regard to trade between Canada and the mother country, or Canada and any foreign country; how then can you adopt a principle from which such large exceptions are to be made? If you were to do so, you would be continually on the borders of dispute and conflict; the Assembly and the Executive, on the one hand, requiring a certain course to be pursued, while the Governor, on the other hand, would be as constantly declaring, that it was a course he could not adopt; so that, instead of furnishing matter of content and harmony in these provinces, you would be affording new matter for dispute and discontent, if you were to act upon this supposed analogy. But, supposing you could lay down this broad principle, and say that all external matters should be subject to the home Government, and all internal affairs should be governed according to the majority of the Assembly, could you carry that principle into effect? I say, we cannot abandon the responsibility which is cast upon us as Ministers of the Executive of this great empire. I will put a case, one merely of internal concern that occurred only the other day. Let us suppose that an officer of militia in Upper Canada, after an action, was to order that the persons taken in that action should be put to death on the field. I can conceive it possible, in a state of exasperation and conflict with the people of the neighbouring state, that the Assembly might applaud that conduct, and might require that it should be the rule, and not the exception, that all invaders of their territory should be treated in that manner, and that the parties should be put to death without trial. Supposing that to be the case, could the Government of this country adopt such a rule? Could the Secretary of State for the Colonies sanction such a rule, and not decide as his hon. Friend, the Under-secretary had done, that such a practice would meet with his decided reprehension? It was quite impossible to allow it to be laid down as a general principle, that any part of the government of this country, conducted by Ministers having the sanction of this House, shall be overruled by a colony, and that such colony shall not be subject to the general superintending authority of the Crown of these realms. I can conceive, Sir—and I think that it would be the part of wisdom and of justice to say—that there are matters affecting the internal affairs of these provinces, that there are matters in which neither the Imperial Parliament nor the general Government need interfere, and on which they should be anxious to consult the feelings of the people of the colonies. It seems to me, Sir, as much a rule of sense as of generosity, that there are some questions on which it would not be desirable, that on the opinion of the Secretary of State for the Colonies, the opinion of the

House of Assembly should be put on one side. I know no reason why the Legislative Assembly, whether of each, separately, or of both provinces united, should not be listened to with deference; but I am not prepared to lay down a principle, a new principle, for the future government of the colonies, that we ought to subject the executive there to the same restrictions as prevail in this country. Adopting the general view sanctioned by the report, it has been necessary for me to mark the differences which I feel respecting some of its suggestions. It is stated in the report, that the past provision in the Act respecting the clergy reserves, as a security for the existing endowments of the Catholic clergy, should be guaranteed by a public Act. I think, Sir, that this is one of the subjects which may be left to the consideration of the Legislature of the province, for there has been a great anxiety in both provinces to administer religious instruction, though there has been great objection to the application of particular funds, more especially of the clergy reserves, to that object. But, Sir, whatever the opinion of the local Legislature may be, I would rather have that opinion pronounced before the opinion of the Imperial Parliament shall be taken on this subject. It remains only that I should state what appears to have been the opinion entertained in Canada generally as to the proposition of an union of the two provinces. It seems that in Lower Canada there has been for a very long time a strong party anxious for an union, and declaring, that it is the only means by which the true interests of the country can be provided for. This is distinctly stated in several of the addresses agreed to by different associations; it was especially stated in the address of one association at Montreal, presented to Lord Durham, and it had been stated previously by the British inhabitants of Lower Canada, that they looked for security to the proposal of re-uniting the two provinces. This year, the Legislature of Upper Canada have decided in favour of a general adherence to the proposal for union, but, at the same time, insist upon conditions and terms which cannot, in my opinion, be reasonably or fairly granted: They say

> "Resolved, That the experience of the past year confirms the House in the opinions then expressed, and they are still of opinion that a united legislature for the Canadas, on th terms then proposed is indispensable, and that further delay must prove ruinous to the best interests of the Canadas; and it was resolved also, that as a measure deeply affecting the future interests of this province is now pending before the Imperial Parliament, it is of the utmost importance that one or more authorised agents, deputed by this House, should proceed forthwith to England to represent the true interests and opinions of her Majesty's faithful subjects in Upper Canada."

This resolution was adopted by a considerable majority of the Legislative Assembly. The Legislative Council, however, after a long discussion of the proposal for an union, rejected it by a majority of ten to eight, being only a majority of two. Further accounts, Sir, have been received to-day with respect to the manner in which the Legislative Council and the Assembly have proceeded on receiving the report of Lord Durham. It appears, that both the Legislative Assembly and the Legislative Council thought themselves unjustly assailed by the report, and they had deemed it necessary to appoint a committee, who had drawn up a long report of the transactions in Canada, and the Legislative Council came to a resolution which seems to have been acquiesced in by the Legislative Assembly, not to send the two agents to England to represent their views. They had, however, sent an address to her Majesty, in which they refer to the report of their committee of the 30th of April, 1839. In this report, they came to a decision upon two points, which were important. They say that the proposal of the legislative union of the two provinces, and of the responsibility of the officers of the Government to the Legislature had undergone an investigation, and the deliberate judgment of the House. To the first they assented, and the second they pronounced to be inconsistent with the dependence of the colonies on the mother country. With regard to those two propositions, I have stated that what I propose is, in principle, the same as that to which they have assented; and it can hardly be expected that we here should take a view of their interests so confined to the province of Upper Canada, as have the Assembly of that province; and as to the disagreement with some of the recommendations of the report, I have already stated my own dissent from the same recommendations. Alluding to this report, in their address to the Queen, they make his request:—

"In this report (Lord Durham's) your Majesty's faithful subjects find many statements deeply affecting the social and political relations and conditions of Upper and Lower Canada, and recommendations of several important changes in the form and practice of the constitution. It is with much concern your Majesty's faithful subjects find that your Majesty's High Commissioner has strongly urged the adoption of these changes by your Majesty in the Imperial Parliament, without waiting for the opinion which may be formed of them by the people the most deeply and immediately affected by them. Under these circumstances, we have caused a report to be drawn up by a select committee of the House of Representatives, which contains matter referring to this subject, as well as to our relations with the people of the United States, which we respectfully submit for your Majesty's consideration, and, in the fullest confidence in your Majesty and the Imperial Parliament, we commit ourselves to that superintending power to which, as loyal people, we owe implicit obedience."

Now, with that opinion before us, and with that address on the part of the Assembly of Upper Canada, it appears to me that we may well proceed to adopt this principle as to the future government of the two Canadas, and consider it as settled. I do not think, that with this address, with this prayer coming from a loyal people, coming from a people attached to the Crown of this country, and attached also to the institutions of this country, that we should be justified in proceeding to enact the details of the plan without consulting the people of Upper Canada, and without knowing their objections to the particular details of the plan. I shall, Sir, introduce a bill, if these resolutions are adopted; but, I say, with the information at present before us, and in the present state of public affairs, that I do not think that we should come to a satisfactory settlement of this great question, if we were to press the House to go into committee on a bill containing enactments of details, without further concert and information. I wish that the ties which unite this country with the Canadas may be drawn closer, and may not be relaxed, that nothing may be adopted to weaken the sympathies of subjects so devotedly loyal; therefore, having the same object with them, I wish to found a measure on the same principles as they have formed their proposition, and shall be content to confirm that principle now, and to subject the details to their examination and their consideration; and I hope that this may be done in such a manner as to conduce, in the end, to the freedom and the happiness of those colonies. I feel, Sir, that this is a question which deeply affects this country, as a question of power; but I feel that it affects still more deeply the future happiness, the future welfare, and the future freedom of two millions of the Queen's subjects on the other side of the Atlantic. And, Sir, anything that affects Canada, though it may not directly touch Nova Scotia or New Brunswick, will necessarily have an influence on those two colonies. But, with regard to all her Majesty's subjects, I believe that I am proposing a course of proceeding which will tend to the happiness and the welfare of the whole. In that spirit I hope that the question will be discussed; and in that spirit I ask the House to assent to these resolutions. And, Sir, I am glad to repeat what I stated at the end of the last Session of Parliament, that in all the discussions on Canada, though there may be some difference of opinion as to some points, and though there may have been considerable deliberation upon others, yet that finally a large majority of this House agreed to one course, and that there did not appear, with reference to any point that any other than a great national object was looked to, and there was no other wish than to consult the permanent general interests of the country. And it is with the confidence I have acquired from referring to that statement that I now propose the present resolutions to the House. They embody the opinion which her Majesty's Government have, after much anxious deliberation, decided upon; it may occur to others to take a different course, which may be better; but I own, that, weighing all the difficulties of the case, I cannot see any course which will tend to promote the great object of securing freedom toher Majesty's subjects in North America so well as this, and I submit these resolutions to the House, in the full confidence that they will be fairly considered and dispassionately discussed. I propose, after the question has been put, that the discussion shall be adjourned till Monday next, and, in the mean time, I will not ask for any opinion of this House.

The noble Lord concluded by moving the following resolutions:—

1. That it is the opinion of this House that it is expedient to form a legislative union of the provinces of Upper and Lower Canada, on the principles of a free and representative government, in such manner as may most conduce to the prosperity and contentment of the people of the United Province.

2. That it is expedient to continue till 1842 the powers vested in the Governor and Special Council of Lower Canada by an Act of last Session, with such alterations of those powers as may be deemed advisable.

Mr. *Hume* contended, that the course proposed by the noble Lord, was one of much unfairness. If no discussion were to take place at that time, it would go forth to the public that the House of Commons assented to the opinions which the noble Lord had expressed. He could only say, that he had heard the statement of the noble Lord with deep regret. The plan which had been proposed would, if adopted, do nothing more nor less than continue the system which had been pursued for the last twenty years, and against which the Canadian people had so loudly and so justly complained. The noble Lord, as he understood him, proposed to give the British population a preponderating influence, by means of some territorial arrangement, and yet the noble Lord talked of impartiality and justice. He was very sorry the noble Lord had not profited from the lesson which the passing of the resolutions which had been agreed to in a former Session, might have taught him. He could not recollect ever having heard of the people of Lower Canada complaining of the separation of the colonies. What they complained of was, the constitution of the Legislative Council, which was the cause of all the evils which had arisen, as, from its construction, it was impossible for that body even to act in harmony with the Legislative Assembly. And what did the noble Lord now propose with respect to that body? Why, that it should be composed entirely of placemen, and that there should be nothing like representation. The noble Lord proposed no legislative measure with a view to effect an immediate settlement of all or of any of the questions in dispute, but postponed all legislation till 1882, he meant 1842. The noble Lord also proposed to continue and to increase the powers of the Governor, who had already suspended the Habeas Corpus Act, and, in fact, established a perfect despotism. In protesting against the plan of the noble Lord, he must also tell the noble Lord, that the course which he proposed was not the way to secure peace, or to promote the happiness and prosperity of the colony. In order to attain those objects, they must give the Canadian people the means of self-government. They must give them a fair and impartial representation, and not render one class dependent on the other. The noble Lord had alluded to a government carried on by a minority. He would ask, whether her Majesty had not stated to a noble Duke, upon a recent occasion, that she was perfectly satisfied with her present Ministers, but that, as they had resigned on account of not possessing the confidence of Parliament, she felt herself obliged to call for new advisers? Was then the Governor of Canada to be placed in a situation superior to the Queen? He would tell the noble Lord, that if the Legislative Council was not made elective, there was no other way in which to secure the peace and welfare of the colony. He was clearly of opinion, that some law for the settlement of the disputes was necessary, and if the passing of that law was put off much longer, the effect would be ruinous. He would, therefore, entreat the noble Lord to reconsider his determination. He had no objection to the first resolution, but he did not object to any principle of representation not founded upon the basis of population, and which was proposed with the view of giving the British population a preponderating influence. He could not but regret to see a people so amiable as the French Canadians treated with so little justice or consideration. They were the most amiable people in Europe or America. Let any man look to their condition during the last twenty years, and then say whether a continuance of the same system of government could be productive of peace. He, therefore, felt bound to protest against the plan of the noble Lord, which he considered as nothing more than a continuance of the same system.

Mr. *Goulburn*, in order to secure for himself and those on his side of the House an opportunity of expressing their sentiments upon the proposition of the noble Lord, both now and on the resumption of the debate, begged to move, that the further consideration of the resolutions be postponed till Monday next, which the noble Lord had omitted.

Sir *Robert Peel* spoke on the question of adjournment. Had he addressed the House before that question was put, he would, he conceived, have deprived himself of the power of again offering his sentiments on the resumption of the debate on Monday next. The hon. Member for Kilkenny had already spoken upon the resolutions which had been proposed by the noble Lord, and had thereby, according to the rules of the House, rendered himself incapable of speaking in the discussion which was to follow. Had he followed the example of the hon. Member, he should therefore have been placed in the same position; but he now spoke on the question of adjournment. In regard to what had fallen from the noble Lord, he must say, that this was the first time that he had heard that it was not the intention of her Majesty's Government to propose any legislative measure in the present Session having reference to Canada. Up to the present moment he had been impressed with the opinion, that they were in the present Session to proceed to actual legislation on some, at least, of the many important questions which had reference to Canada, and which called so strongly for immediate consideration. He had, till the present time, considered that they were to proceed to legislation, either on the basis of a resolution affirming the principle of a legislative union of the two provinces, or, in case that plan should have been abandoned, on some other principle—on some other basis more calculated to effect the settlement of the great and important questions which were at issue, and more likely to secure the connexion of the two countries, and the welfare and happiness of the Canadian people. He now, however, understood from the noble Lord, and for the first time, that it was the intention of Government to abstain from legislation in the present Session, at least upon the main question, although there might be some bill brought forward, of an inferior and less important character. Now, he felt it incumbent upon him to say, that there were many important circumstances connected with this subject which were well worthy of the most mature consideration; and there might be many more circumstances of which he had no knowledge, sufficient to induce the Government to postpone legislation in detail. The noble Lord had stated, that he had that day received important information from Canada, which had confirmed him in the opinion that legislation, for the present, was impolitic. He trusted that it was the intention of the noble Lord to lay that information on the table of the House, and when they saw the resolutions, and the address to which the noble Lord had alluded, they would then be the better able to come to a safe and satisfactory conclusion on the course which the Government proposed to adopt. He spoke then, at present, without full information on the subject, without that information which had confirmed the opinions of the noble Lord, without that information which was necessary to remove the doubts which he entertained on this important subject. Until, then, the whole of the information which the Government possessed was communicated to the House, and until he had fully and maturely considered the propositions which had been submitted for their consideration, he reserved to himself the right of opposing those propositions, either in whole or in part, or of supporting them if he should afterwards see fit to do so. The noble Lord had asked them to assent to the principle, that they should proceed to legislate in 1842; but, at the same time, he said, that the House of Assembly was not to meet till that period. Now, he thought it would be well for the House to consider whether it was wise or politic for the Imperial Legislature to give a pledge on any subject when they were not to proceed to actual legislation on a subject before the year 1842. Could it be thought wise in 1839 to come to a positive resolution as to what they were to do in 1842? Could they now say that union was a wise measure abstractedly considered, without knowing how the weight of the two provinces in the representative assembly was to be adjusted and maintained? Lord Durham had in his report pressed strongly for the immediate consideration of Parliament in regard to a legislative union. He would prove from that report, that immediate legislation on the abstract principle of union was loudly called for, although that report might not be relied on in regard to the details of any such measure. But it was good for this—that it pointed out in the clearest manner the necessity for immediate legislation. Lord Durham said, that on his first arrival in Canada he was inclined to advocate the project of a federal union; and from the first, he had determined that there was nothing in the Lower Province preventing a legislative union. That did not, however, apply to Nova Scotia and New Brunswick. The noble Lord said, in his report—

> "Moreover, the state of the two Canadas is such, that neither the feelings of the parties concerned, nor the interests of the Crown, nor the colonies themselves, will admit of a

single session, or even a large portion of a session, of Parliament being allowed to pass without a definite decision, by the Imperial Legislature, as to the basis on which it purposes to found the future Government of those colonies."

That was no recommendation of an abstract principle. No recommendation for passing a resolution, but one pressing on the Government to bring in a bill without letting a single session, or a large portion of a sessions pass away before. And, the report went on to say—

> "In existing circumstances, the conclusion to which the foregoing considerations lead me, is, that no time should be lost in proposing to Parliament a bill for repealing the 31st of George 3rd, restoring the union of the Canadas under one legislation, and re-constituting them as one province."

He was not prepared to say, that under the circumstances of the case, her Majesty's Government might not have heard sufficient grounds, of which the House was not aware, to induce them to adopt the recommendation of Lord Durham. But, having abandoned the intention of immediate legislation, should they better themselves by pledging themselves to an abstract principle? He could not but say, that the whole course of his Parliamentary experience had been entirely against resolutions pledging the House to any particular course. When he considered the vicissitudes of the colonies, when he looked at their present state, and when he remembered what had occurred in the colonies, could he say, could he so depend upon the future, that he should give a positive pledge that in 1842 the steps proposed by the noble Lord should be taken? [Lord *John Russell:* We may legislate without the Act coming into operation.] Well, if it were not the fact that they were not to legislate until 1842, at least he understood the noble Lord distinctly to propose that the fruit of legislation should not be reaped until 1842. Therefore, if that whole interval were to elapse before any act which might be passed could come into operation, and if that act were to apply to the future, for so he understood the proposition of the noble Lord, it was a matter for grave consideration whether or no he was advancing the legitimate end which was the ultimate union of the provinces, by coming to his proposed resolution. The noble Lord had said, that he would give a guarantee that a constitutional government should be ultimately established, but that they were to continue the power now existing in Canada for some time; that while it was proposed to give the present Government and Council an absolute power in Lower Canada, yet it might be desirable that they should give the public an assurance that they would ultimately establish a constitutional government. That was the sole advantage to be derived from laying down this principle. His answer to that was, that they had given that solemn guarantee before; that they had justified the suspension of the constitution in Lower Canada, solely on the ground that they would give the Canadas a constitutional government, and when the act for suspending the constitution was made by the Imperial Parliament, it was distinctly stated, that the measure was only resorted to from the dire necessity of the case, a necessity created by circumstances which they could not overrule. In the preamble of that act it was distinctly declared:—

> "It is expedient to make temporary provisions for the government of Lower Canada, in order that Parliament may be enabled, after mature deliberation, to make permanent arrangements for the constitution and government of the said province, upon such a basis as may best secure the rights and liberties, and promote the interests, of all classes of her Majesty's subjects in the said province."

Therefore, it was distinctly understood, that arbitrary government in Lower Canada was not to endure for ever, but that it was the duty of Parliament to consider the mode by which a constitutional government was to be established. Now, the noble Lord said, he was not prepared with any measures of immediate legislation. But he said at once, that it was his intention, that the inhabitants of Lower Canada should not be enabled to dictate to the inhabitants of Upper Canada, whatever their prejudices or feelings might prompt; and that it was his intention to declare, that an union of the provinces should ultimately take place. That might be perfectly just. He did not mean to say, that if they were to retain those colonies, it was or was not quite right to do so. But such a course as this would not relieve them from their present responsibility in the slightest degree. On the contrary, by laying down an abstract principle like this, they were only tending to increase the difficulties which might otherwise be reduced. He deeply regretted, that the advice which he offered last Session had not been adopted; that they did not at once apply themselves to the examination of the whole case at the Bar of that House, and that they did not send over to the provinces of Upper and Lower Canada, and say to them—"We have but one object in view, we wish that the union of the two Governments should be maintained, but we do not wish to retain the Government of the colonies for any paltry or pecuniary advantages. We are determined, that you shall remain a British colony, but we will take care of this, that we shall not make ourselves responsible for defending you from foreign enemies, and at the same time, be constantly opposed and thwarted by your resistance of our authority." It was necessary, that we should say this, as well for the welfare of the colony, as for the mother country. But what had been done? They had not made the slightest advance. Notwithstanding all the commissioners that had been sent out, they had not advanced one step beyond the principle laid down by his right hon. Friend, Sir Wilmot Horton, in 1823, who declared himself in favour of an union of the colonies. What proposition were they considering that very night? The proposal was nothing more than this—let us decide in favour of an union of the colonies. But there was an admission on the part of the noble Lord that they had not the means of proceeding further. Beyond the principle of 1823 they had not advanced one single step, and now they were to send out commissioners to the colonies for the purposes of inquiry. The noble Lord said, that the details of the measure would depend on local inquiry. But pending this inquiry, the noble Lord would allow no explanation to be given of the character and form of Government hereafter to be established; he would not explain how far, or in what manner, the elective power of the people was to be extended, and in what manner property should have influence in the Legislature. If the noble Lord had not the means of judging what course of legislation should be at once adopted, the first point was to get the information; but if they were in possession of the necessary information, why not proceed to legislate now? If local inquiry was necessary, means must be taken to carry it out, and some persons must be appointed, whether they were called commissioners or not, for that purpose. That being the case, and being quite unprepared to throw out a word against the principle, and being also perfectly prepared to give to her Majesty's Government any powers necessary for the purpose of maintaining the just authority of the Crown in those colonies, yet he would reserve to himself the perfect right to inquire and decide whether he ought to be called on to say, that it was right to violate the constitution by a law which they could not practically repeal until the year 1842, and whether they should endeavour to soothe the prejudices of the Canadians by pledging the House to a resolution for establishing a future constitution. He now gave the noble Lord due notice, that he would act on the same principle which guided him last Session. He would never see a colony in rebellion, and condescend to make the settlement of that rebellion a party question. But at the same time, if he had a strong opinion differing from that of her Majesty's Government, he would not try to gain credit by professing an abstinence of party feeling, and by restraining his expression of that opinion. He would neither make this a party question, nor compromise his principles by refraining from giving expression to his opinions.

Mr. *C. Buller* was glad to hear that the noble Lord was favourable to the plan of the union of the two provinces, and he was only sorry that he had not adopted a still more valuable suggestion contained in the report of the Earl of Durham, for the union of all the five provinces, in his opinion by far the most valuable part of the Report. He had been deeply grieved at it, because he believed that without it the Executive Government would be imperfect; and if the Government were not prepared to adopt that principle, he believed that it would have been far more honest, and more prudent, and more really liberal, to do away with the farce of a responsible Government. He should not now enter into the consideration of the argument of the noble Lord. He was happy that there were at that moment strangers in the House,—he meant rather to say that he was happy that the debate in which they were then engaged would be conveyed to the notice and attention of the delegates to this House of the representatives of some of the most loyal of our North American colonies. They had come with the instructions of their countrymen, commissioned to represent their case to the Government and to demand redress. In the House of Assembly, three executive councillors represented the executive Government. The question arose as to the appointment of the delegates to England, and there was a division as to each of the two delegates, and the majority against the first was 37 to 7; while in the second case, the numbers were 35 to 9. They would be called very large proportional majorities, and in the minorities on each occasion were the whole of the executive councillors. He asked, then, how was the Executive Government to go on in this way? There was a regular ministerial minority in the House of Assembly, and he begged to ask the noble Lord in what country of the earth, whether a colony or a mother country, dependent or independent,—and let him draw on the troubled times of our own colonies,—a legislature had ever been carried on to the advantage of the community when the Executive was constantly opposed to the will of the people? He begged to ask how long it was thought that the people of Canada would submit to this system being carried on? How the noble Lord could expect that the House of Assembly would bear to see every office of the Government given to the most determined enemies of the people? Did he think that such a system could last a single Session, without the supplies being refused; and if they were refused, what force could compel the Assembly to grant them? What the Earl of Durham proposed was a representative Legislature, with a responsible Executive; and, until enlightened by the superior intelligence on constitutional history of those who dissented from him, he should continue in the belief that this at least was new. If the Legislature had no voice in the composition of the Executive, then they ought no longer to carry on the Government after they had lost the confidence of the representative body. But this was a matter on which he did not oppose the plan of the noble Lord. Any bill which the noble Lord might introduce for the union of the two Canadas he would support, without any reference to the principle of a representative Government, because he thought that the union would in itself carry out that principle; but he could not help remarking upon the entire omission to legislate at all on this subject. Under any circumstances, he was surprised at the proposition of the noble Lord to delay legislating for so imperative an evil. He would not go over the arguments of the right hon. Baronet, who had so ably and eloquently urged on this point, but would allude to those things which had struck him in the noble Lord's statement in reference to this subject. He had seen the country during the summer of doubt, and the winter of alarm. During the summer every man was arming himself against his neighbour, and he was not exaggerating when he said, that while he was in Canada there was hardly a day passed without some accounts being brought of actual incursions made by refugees who had procured small bands of armed men to join them, for the purposes of pillage and bloodshed. There were no vagabonds on the frontier who did not think it safe and prudent to beard the British Government, and their attempts at plunder generally succeeded but too well for the interests of the settlers. What security was there, then, against such a winter as the last? Was it supposed that the refugees who were on the frontiers were less determined to enter into the country again? In the almost impenetrable fortress of Quebec they were anticipating danger, and even in that place, which above all might be considered the safest spot in the colony, they had constant details of bloodshed, and the fears which were not unreasonably entertained by civilians, were not unfelt by persons of no small military experience. Was it thought that the cruel punishments which had been inflicted on that unhappy country were at all calculated to soothe the evils? The House was not at all aware of the horrors occasioned by putting down the insurrection. In the course of the winter the cold was so excessive, that no man could stir out without putting on almost all the clothes which he could obtain. It was in that season that the volunteers came out, and laid waste Beauharnois, and the adjoining districts, and they left no house of the French Canadians standing. They turned the people into the forest, where they were left to lie down and seek the only refuge which was left for them, death. He would instance one village, which had taken no part in the insurrection, from which no armed band had issued. He saw it after a regiment of the line had passed through it, and every house was sacked. The people were entirely free from any suspicion of interference, and were perfectly innocent, their only fault being that they might have fostered the insurrection. He did not blame the soldiers for it, but he said that this House must shrink from the repetition of such horrors. He would advert now to the present state of the frontier of Lower Canada. The population of the frontier consisted entirely of Englishmen, of American citizens, who from the cheapness of land in Canada had crossed over from Vermont and the surrounding counties, and in some instances the English had passed over to the States, preferring the protection of the laws of that country to the state of anarchy in which they were obliged to live in the colony which they left. A Canadian refugee would get a few men together, and would cross the frontier—it was not confined to the Canadians, for those on the American side were as bad—and would go to the farm of the man whom he conceived to have injured him, by denouncing him to Government, which immediately became a scene of rapine and bloodshed. He asked, how long such outrages could be permitted to go on without their producing warfare between the two nations? He need only refer to the recent transaction with regard to the disputed boundary of Maine, in proof of the probability of such an event occurring. He did not suppose that the disturbances and differences could be soothed by magic, but he said that they had no right to leave these people whom they were to govern in uncertainty. Let them see that the English Government had some plan to govern them—let the plan be declared at once, and he believed that those even who might disapprove of it would prefer it to remaining in their present position. They required nothing so much as a strong effective government, and he believed that the only mode in which the disturbances and disorders which arose there could be put down, was by means of the strong arm of the British Government. In speaking thus, he did not mean to allude to any permanent measure which might tend to elevate the British possessions in North America to be equal in strength with the adjoining Union, but he spoke of the present state of the calamitous disorders which could not last without causing the entire depopulation or destruction of the provinces in a short time. The increase of emigration from Canada had already been referred to, and Lord Durham in his report had said, but not with half the strength with which he might have said it, that he had heard from very good authority that in two towns emigration had been going on to the extent of fifty or sixty persons a-day, which would tend greatly to depopulate the greater part of Upper Canada. In thinking of the subject, it must not be forgotten that the land was the least valuable part of the stock of the farmer, and the facility with which he might drive off his flocks and carry away his furniture to the neighbouring country, where he knew there would be protection against any future aggressions, must be remembered. He believed, that this House would sacrifice every party feeling to put an end to such horrors as he had referred to, and he thought that all classes and all parties in that House would at once unite to establish on a firm and permanent basis a free and constitutional Government for these colonies.

Mr. *O'Connell* said, that it appeared to him that the noble Lord, in describing the miseries which existed in Canada, had fallen very far short of the truth. If he understood the noble Lord, he supposed that the whole of the existing grievances would cease the moment the measure was passed which was proposed. He could not conceive why. He could think that it would do so if it were carried out liberally, and with the consent of the people of both provinces; but to jump hand over head to it, before consulting the people, would be most improper. The effect would be to annihilate the French Canadians as a party. He believed they were the worst treated, or nearly so, since their conquest, of any of the races, and if a measure were passed to unite both provinces, and by that means sacrifice the French Canadians, they would by that means destroy a most amiable and excellent people. They proposed, then, that they should be sacrificed to what was called the British party, but that would only be an additional outrage upon Canada. With regard to the course now suggested by the Government, if they had proposed to go on flippantly with this legislative union, there would have been grave complaints of their proceeding in so solemn a matter without learning what it was that the people wanted. Now, however, when they talked of pausing before they acted effectively, they were taunted with acting with uncertainty. Was it not better, however, to be cautious, and to ascertain how far the measure would be acceptable to those parties who were most interested than to proceed hastily to determine upon the ultimate plan, by which the discontent of the people might be caused. He only wished to protest against carrying this union into execution at the expense of the French Canadians; and it ought to be permitted that if the union were made, it should not give the superiority to either colony, but that the French Canadians should be placed in a situation of perfect equality with the other inhabitants, and should enjoy every advantage conferred on them. If this were not the principle on which any union between the colonies was based, such an union would be of no use. There was example enough of the effect of such an unequal union in the case of Ireland. The rebellion in that country was not put down by the legislative union with England being effected. Yet precisely the same arguments were used prior to the adoption of that measure that were now used by the hon. Member for Liskeard. The rebellion, however, continued long after—a sufficient evidence that the name of an union alone was useless, unless the union itself were based on the terms of perfect equality.

Lord *J. Russell* thought it necessary to say a few words, as well on what had fallen from the hon. Member for Liskeard, as on what had been observed by the right hon. Member for Tamworth. With regard to the hon. Member for Liskeard, he (Lord J. Russell) certainly could not have expected, that he would have taken what he said in a sense, so directly opposite to that which he intended. The hon. Gentleman asked him (Lord J. Russell) whether he approved of the principle that the executive Government of a colony should be carried on with a minority in the House of Assembly. What he really said was, that the executive should be carried on in such a way, as that their measures should be acceptable and agreeable to the representatives of the people, and that he saw no reason why the Government should not agree to adopt the measures approved of by a majority of the colonists. He certainly did say, as he still thought, that it was not wise to lay down as a principle that the Canadian constitution, or any colonial constitution, should be an exact copy of the British constitution, unless the analogy could be completely carried into effect. And he thought the right hon. Baronet himself would say, that we could not have a Secretary of State for Foreign Affairs at New Brunswick who would negociate with Maine on principles different from those held by the Government at home. He certainly did think it unwise to lay down a principle which, although it went through the entire executive here, could not be applied to the entire executive of the colonies. With regard to the hon. Member for Liskeard's statement of the miseries now endured by the Canadians, he could assure the hon. Member that the Government felt on that subject as deeply as he could; and if the Government thought there was any measure likely to be immediately passed which would put an end to these miseries, he would not lose an hour in asking the immediate attention of Parliament to it. But it was not his opinion that, with the events of the last two or three years, it was likely that the dreadful warfare which had been so lately raging in Canada would immediately cease. He really thought, too, considering the excitement that immediately preceded the insurrection in Lower Canada, that calling together the representatives of that colony, even in conjunction with those of the Upper Province, would be more likely to increase the danger and produce fresh commotion, than if time were allowed for the excited feelings to subside before a popular government was established. The right hon. Baronet had also raised an objection on the score that the resolution was not to be immediately followed by a bill. The right hon. Baronet, in the former part of his speech, had observed, that the Government had gone on making inquiries and receiving reports, but that no step had been taken or was about to be taken. Now, he was, on the contrary, of opinion that if that House came to a resolution in favour of the principle of an union, a very important step would have been taken. Such a declaration of the sense of the House of Commons would have very great weight and authority in Canada, and the Canadians would be more disposed to say, "As the principle is agreed on, let us now make such arrangements as will be most likely to be advantageous." It was more likely they would do this if the resolution was adopted than if terms were merely proposed on behalf of the Ministers of the Crown. There was another course, one which he had originally intended to adopt—that of introducing a bill, and proceeding, if possible, to enact all its details. But he really did think if he had taken that course, the effect of which the right hon. Baronet might not have fully considered—if he had brought in a bill (as he might do after this resolution was agreed to), and had asked the House to pledge themselves to all the details, the right hon. Gentleman would have been very likely to say—and with much greater effect than attached to his argument on the present occasion—"It is all very well to adopt the principles of an union, but when you ask me to adopt all these details, and finally to ratify them, I must bear in mind that the Legislative Council in Upper Canada have protested against such a course without their having the opportunity to consider them; and I therefore think that you ought to stop till another year to hear their opinions." He (Lord John Russell) thought it would not have been possible for the House to concur in such a bill if that objection had been made. When he proposed first to introduce the bill, he thought they understood what were the sentiments of the Upper Canadians, and that they would appoint delegates to give their assent to the measure; but since then they had declined to act on that resolve, and wished the House to stop until their opinions could be known. He had great respect for both these parties in Upper Canada, thinking, as he did, that they had shown great spirit, zeal, and loyalty. He was not, therefore, ready to say that he would do what would be repugnant to their declared sentiments. With these feelings it was, that he approved of the course now taken—a course which answered the object of taking a great and important step towards settling the affairs of Canada, and, at the same time, avoiding to do what would be repugnant to the feelings of the representatives of Upper Canada. The right hon. Baronet also had said the Government were now coming down with a resolution on which they did not propose to act till 1842. That was not his (Lord John Russell's) statement. He was of opinion that the Assembly ought not to meet till 1842, but that the union might be effected much earlier. At the same time he was by no means sure that much time might not be required for the adjustment of so important a question. In a similar case—that of the union with Scotland—a considerable time elapsed, and a great deal of discussion arose, before the measure could be finally enacted. Persons were appointed by the Crown to look severally to the interests of the English and Scottish Parliaments, who had long discussions and debates before they finally adopted the measure. This precedent afforded another reason for not now enacting an union to take place from the end of the present year. He thought it unadvisable to say, by a peremptory legislation, that the union should at once operate, and that in 1842 the Legislature should meet. He thought by the course they now proposed, to take, they would put an end to existing strife, and, by the intervention of this country, reconcile the various parties.

Sir *Robert Peel* had been misunderstood by the noble Lord if he supposed that he meant to press for peremptory legislation this Session. When the noble Lord announced his abandonment of the former measures, he did not press for peremptory legislation. All he asked was, that if they were not prepared to legislate now, they would not call on him to affirm the abstract principle of union, without telling him what were to be the details of the plan on which it was to be effected.

Debate adjourned to Monday.

CITY OF LONDON POLICE — EXPLANATION.] Sir *Robert Peel* wished for an explanation from the noble Lord upon a point connected with this bill. It had been publicly stated that he (Sir Robert Peel) had in that House expressed his opinion that it was on the whole better that the City Police should be amalgamated with the general metropolitan police, but that in deference to the very general opinion expressed in the City against the measure he had consented to waive his opinion, whereas the Government were adhering to the principle of amalgamation, and determined to follow it out. A contrast much to his disadvantage had been drawn between his abandonment of his principle, and the supposed adherence of Government to theirs. Now he distinctly understood that the bill was brought in with the consent of the Government, they being pledged to support the principle on which it was based, yet that on the whole they came to the same conclusion as himself, that it was expedient to force on such a body a system of police to which they were opposed. He wished to know from the noble Lord if he had correctly stated what occurred on the occasion.

Lord *John Russell* said, that the right hon. Gentleman was quite right, His opinion had been, and still was, that it would be much better to have one police for the whole metropolis, in accordance with the report of the committee. But he also concurred with the right hon. Gentleman the other evening in thinking, that as a very great outcry had been raised in the City against the introduction of this bill, it was probable that if it were forced on the City the commissioners of police would not have that authority or be so well received in the City as was requisite in order to secure to the public the full benefits of the act. This he considered a sufficient reason for waiving what he thought would be a very great improvement.

METROPOLITAN POLICE.] The second reading of the Metropolitan Police Bill having been moved,

Colonel *Sibthorp* opposed the motion. He objected to several clauses, particularly that which gave to the police a despotic power to enter houses.

Mr. *Hume* objected to some clauses of the bill, particularly to that by which the police magistrates were to be paid out of the Consolidated Fund. This was to place them on a footing with the judges. An annual voting of the money by the public would be a much better principle. He hoped the hon. Baronet who announced his opposition to the bill at a future stage would at once state what were his main objections to the bill. Various vague and unfounded reports were in circulation, and it was very desirable the public mind should be disabused concerning them.

Mr. *Fox Maule* would not enter into the details of the bill now, as he thought that had much better be done in committee. Of this, he apprehended there could be no doubt: that it was absolutely necessary to the public comfort, that there should be a well-regulated police. When he introduced the bill, he was perfectly well aware, that it would expose both the Government and himself to a considerable degree of obloquy; but that he was ready to submit to, if the measure would conduce to the comfort of the metropolis. The hon. and gallant Member had alluded to a despotic power of entering houses, which he assumed to be given to the police by this bill. He (Mr. F. Maule) was not aware of any such provision. There was a clause which empowered them to enter gaming-houses under certain circumstances.

Mr. *Wakley* thought, that the course that the government was pursuing with respect to this bill was so irregular and uneven, that he hardly knew how to treat the subject. The bill purported to be for the establishment of a uniform system of police throughout the metropolis; but, in its present form, would it have that effect? The bill, when introduced, excited great alarm in the city, as it attacked the privileges of the citizens, which had existed since the time of Alfred, and this in a greater degree than had ever been attempted by a Tory Government. The citizens instantly put the screw on the Government, and now the city of London was exempted from the operation of the bill, as the first fourteen clauses of it had been struck out. If the bill was good for the metropolitan boroughs, it was equally good for the city, and if it was not to be applied to the latter, it might not be so applied to the former. He saw no necessity for any bill of the kind.

Mr. *Fox Maule* stated, that there was this necessity for the bill, namely, that the Metropolitan Police Act expired within a very short time.

Captain *Wood* was strongly opposed to the bill, as it tended greatly to increase the powers of the police, and was, in some respects, republican in its tendency.

Bill read a second time.

METROPOLITAN POLICE COURTS.] Mr. *Fox Maule* moved the second reading of the Police Courts Bill.

Sir *Benjamin Hall* said, he should take the sense of the House against this Bill; to which, as to the one just disposed of, he believed public feeling was decidedly opposed. This Bill would extend the jurisdiction of the Police Magistrates, who were to be increased to twenty-seven, over a circuit of fifteen miles round Charing-Cross, at a great additional expense to the country. The Government were to have the power of appointing these magistrates, who were to receive salaries varying from 1,400*l.* to 1,000*l.* each, with retiring allowances of two-thirds of their salaries. Now, he saw no reason for this extension of Government patronage. If, however, the number of the police magistrates was to be increased, and their jurisdiction so far extended, it ought to be with other magistrates than those who now occupied the police bench. And what ground could be urged for excluding from that concurrent jurisdiction which they now exercised, the county magistrates. The report of the committee upon which the bill was founded had stated it would tend to diminish crime, and lessen the expense of prosecutions. This Bill gave the new magistrates the power of convicting summarily in cases of larceny or stealing from the person without violence, under the value of 40*s*. The returns of committals to Coldbath-fields showed a great increase of crime, as compared with the returns of jury convictions. And both Sergeant Adams (the Middlesex Quarter Sessions Chairman) and the chaplain of the House of Correction, had expressed their decided opinion against summary convictions; the latter stating that it too often led to the corruption, by improper associations, of juvenile offenders; and the former, that summary convictions were frequently unjust, and in cases where juries would have acquitted. Before such extraordinary powers were committed to any persons, it ought to be ascertained that prisoners would receive equal justice, as though they went before juries of their countrymen. But there was high authority for saying that summary conviction was an evil, and an evil never to be incurred, except to prevent a greater—not on any account to be delegated to one magistrate, nor to less than two. And unless the police magistrates were of a superior class, it was a great injustice to the parties who were brought before them, and who were deprived of that trial by jury, the advantages of which were in this country so generally appreciated. He would not speak with unnecessary harshness of the present police magistrates. Many of them were highly qualified for their situations. But some were utterly disqualified for their office, and no person could read the police reports without constantly seeing, with regret, cases which were merely the medium of putting forward idle and ridiculous jesting at the expence of the culprit or the witness. And was it not a matter of grave doubt whether, on such persons as these, additional powers should be conferred? A most startling proposition in this bill was, that any magistrate was to have the power of sending a prisoner to trial without the intervention of a Grand Jury. The prisoner ought to have every chance allowed him, consistently with the law. The Grand Juries were one of those institutions of the country which ought not to be lightly abandoned, even in the favoured metropolitan district. For all these reasons he should move, that the bill be read a second time that day six months.

Colonel *Sibthorp* seconded the amendment, saying that he did not approve of increasing the patronage of the noble Lord (J. Russell), who had already more than he could well manage, except for himself. There was no end to patronage, inasmuch as every officer, even down to the door-keepers, were to hold office during the pleasure of the noble Lord, who might discharge them without any cause. The bill was full of expense—it was full of patronage and full of degradation to men who had conducted themselves well; therefore, he thought, the best thing they could do was to throw out the bill, and so save the country the increased expense which it would entail upon them.

Mr. *Hawes* was exceedingly glad that an opportunity had occurred of explaining the ground-work on which this bill had been introduced by her Majesty's Government. It had been said that bills so unconstitutional and tyrannical as those regarding the improvement of the metropolitan police had never previously been before Parliament, and his hon. Friend who had moved the rejection of this bill had used language nearly as strong. Yet in the whole course of the speech which his hon. Friend had just made to the House, he had heard nothing which affected the principle of the measure; nor could he gather any thing even against its details that might not be removed in committee. And certainly he had heard nothing from his hon. Friend which went to show that the measure contained anything either despotic or unconstitutional. As a member of one of the districts of the metropolis, he had felt it his duty to pay his best attention to the improvement of the metropolitan police. There was no subject of so much importance—none that so generally affected the comfort and happiness of all classes of society, the poor as well as the rich, and there was no portion of society that suffered so much from the inefficiency of the police as the poorer classes of the community. Guided by those principles, he was fully prepared to defend this bill, and to acknowledge with sincerity the gratitude which he felt to her Majesty's Government for the good they had done by the introduction of such measures, founded upon the report of a select committee of that House; and he would at once declare that he did not know where they could have had a better, or a surer groundwork. That committee sat for two entire Sessions. The members composing it had done him the honour to appoint him chairman, and he certainly had not been proposed to that office by any political Friend. In the discharge of his duties while officiating on that committee, it had been his most anxious wish to obtain the best evidence; and he begged to state that he had looked in vain for any adverse evidence. The labours of the committee had received much public attention—they had formed the subject of ample discussion and comment in the newspapers, and every possible effort had been made to arrive at an accurate and sound conclusion. The committee had no difference of opinion notwithstanding their protracted labours—they never had a single division, although composed of Members of various opinions in politics, and among others a right hon. Baronet a distinguished Member of the Opposition side of the House. The report had been most minutely considered before it was approved by the committee; it had been discussed line by line—he might safely say almost word by word. That report was agreed to unanimously, and obtained the support of Members of all shades of opinions in politics. It expressed the full and deliberate sentiments of all the Members of that committee, and he must therefore deny the insinuations that had been made, that the report was to be viewed as mainly containing the sentiments of himself individually although it had been formally sanctioned by the committee. As to the specific objections which had just been stated by the hon. Baronet, he thought they could be easily answered. The first was, that the bill would occasion great additional expense to the country. Now, he denied, distinctly, that any additional expense would be created by the measure; but if such were to be the case, he would fearlessly assert, that no portion of the public money could be better laid out than in improving the administration of public justice. The House and the Government could not confer a greater benefit on all classes of society, than in procuring the best and ablest men to act as police magistrates; and they would try in vain to accomplish that object, if they did not take means to provide them with adequate salaries. Such was the object of this bill; but it was a mistake to say that it increased the number of magistrates. The fact was, that it proposed to reduce one magistrate from each office, and to give the surplus salaries to the remaining magistrates; thus adopting the best means to secure better candidates: and for a similar purpose, the clauses had been introduced, empowering the magistrates to retire on fixed salaries, under certain circumstances—most properly, in his opinion; and though not wishing to speak unnecessarily of the noble Lord the Secretary for the Home Department, he did not hesitate to say, that there never was a Minister of the Crown who had done more for the improvement of the police, and administration of justice in the country. He did not wish to depreciate the claims or acts of any one. He fully acknowledged the great services of the right hon. Baronet opposite; but he, at the same time, felt it but just to state, that for his exertions and improvements in these respects, the noble Lord deserved well of his country. He had already alluded to the clauses empowering magistrates to retire under certain circumstances. He had stated, that it was to secure the services of efficient persons, and to obtain the best candidates. And he would ask, was it not reasonable to suppose that some Gentlemen, when they observed the increased labours which would devolve on them under the operation of this bill; when they saw the increased responsibility it would occasion, that it might, therefore, be their wish to retire? Such a course seemed to him to be the only way to get rid of inefficient officers. He saw no other way of getting rid of them, without personal application for their removal. But it was said, that it was an unusual power to give the Secretary of State the power to remove magistrates. Was it to be said, then, that magistrates were never to be removed, was it to be said that they were to be appointed for life? And if not, he would ask, who else ought to have the power of removing magistrates? Where could it be placed in better hands than in those of the Secretary of State for the Home Department, who would be under the control of that House, and who discharged the duties of office publicly in sight of that House. [Lord *J. Russell*.—It was a power that would be seldom exercised.] The noble Lord said justly, it was a power that would be seldom exercised. He was confident it would be placed in the fittest hands, free from all caprice, and so long as the country possessed a popular House of Commons, he had no fear that any Minister of State could make an improper use of the powers which might be confided to him. With regard to the question of patronage, he begged to state, that the bill would really establish no increase of patronage. He wished to know where the supposed increase was to be found. At present there were twenty-seven magistrates, nine police offices, with three magistrates to each office, and this bill proposed to enact, that there should not be more than twenty-seven magistrates. Where, then, was the increase of patronage? He came next to consider the objection that had been raised as to the extension of jurisdiction. Hon. Members were probably not aware, that the jurisdiction presently exercised by the police magistrates, was not only exceedingly extensive, but also not strictly legal. All that the present bill did was, to define their powers, particularly in cases of petty felony —which was much wanted—and to make their jurisdiction clear. He maintained confidently, that the bill did not extend, but defined their jurisdiction, and secured the public against abuse of power. A necessity had been long and very generally felt for some such bill as this. Hon. Members might, perhaps, recollect the statement made by the noble Lord last year, that in a large number of cases, it had been ascertained, that the prisoners had suffered a longer course of imprisonment before they had been brought to trial, than they had been sentenced to upon conviction. Was it desirable that such a state of things should continue, more particularly in regard to juvenile offenders? On that subject, he would request the attention of the House to the report of the committee on county-rates in the year 1834, in which they would find the following remarks:—

> "We have reserved for the conclusion of our report, an earnest recommendation to Government, and to Parliament, to take into their early consideration the practicability of establishing some tribunal for the speedy trial of young offenders, charged with comparatively light offences. The present process of the law is too cumbrous, and too dilatory in regard to cases of this description, and neither gives adequate protection to innocence, nor ensures a duly regulated punishment to guilt. The committal to prison for trial involves frequently a period of confinement longer than that which follows actual conviction, and a stigma upon character, not justified by the moral quality of the offence with which a young person is charged."

All the magistrates examined before that committee, concurred in recommending the establishment of a summary tribunal for the trial of young offenders; and the committee sent round the evidence given before them, to all the magistrates of the metropolis, calling their attention to the subject, and asking their opinion. Besides that committee on county-rates, the Commissioners appointed to inquire into the state of the criminal law, came also to the same conclusion; and certainly, if ever there was a case in which anything like fair grounds for legislation had been obtained it was the present, where all parties who had considered the subject had arrived at the same conclusion. He was justified, therefore, in saying that this bill was founded upon grounds which he would maintain were sound and stable. He was not so well acquainted with the question of trial by jury, but the object which the committee had in view was to establish a tribunal to which immediate appeal might be made, and which would at the same time provide proper checks against abuse, and obtain a deliberate and impartial hearing of each case. On that subject the committee had also come to an unanimous conclusion. All these clauses were said to be harsh and stringent. They were so apparently; but it was important for that House to know, that there was scarcely one of them which was not taken from some local act, some of which had been in existence for twenty-five or even forty years, and all local acts which had lately passed the House had formed the grounds from which some of these clauses had been selected; so that in this bill all the police regulations common to the different cities in the empire were concentrated. It was evident, from the numerous complaints made from different parts of the metropolis, that such a measure was necessary. They would all recollect the admirable arrangements made at the coronation of her Majesty—scarcely one accident had occurred, owing to the energetic and judicious manner in which the magistrates and police had acted on that occasion; but if people had been disposed to raise questions, some unpleasant litigation might have arisen from the uncertainty of the law, and the want of percision as to the nature and extent of the magistrates' jurisdiction. Every hour the efficacy of that establishment was increased, and it was daily rising in public approbation. He believed that this bill would still materially improve that establishment, and he only hoped that the noble Lord, or whoever else might be called upon to appoint magistrates under the powers which it conveyed, would exercise a sound discretion, and select those who would discharge their duties for the public benefit. Whoever would take the trouble to look through the report of the Select Committee, would find a most anxious desire manifested by all the Members to render the operation of the law useful to that class who had not hitherto been so well protected; and whether they referred to petty assaults or other crimes, all the provisions were founded on the practical results of experienced magistrates sitting in their offices from day to day, who had stated, that cases were continually occurring in which, under the existing system, they could not give relief. There was not any one class of the people, from the highest to the lowest, that would not be benefited by the passing of the bill. He would have been exceedingly sorry to have been connected with any thing like a harsh, violent, or unconstitutional measure. In his proceedings with regard to the present bill, he had been supported by his Friend, the hon. Member for the Tower Hamlets—a Gentleman not at all likely to have given his sanction to any bill that could with justice be so designated. That hon. Member entirely concurred with him in his views on this subject. They were willing to throw their characters as supporters of it before the consideration of the public. He entertained no fears of the result, and would confidently wait the verdict. He would not detain the House longer, but would give the second reading of the bill his most cordial and best support.

Sir *E. Knatchbull* was not one of those who would oppose the second reading of the bill. But there was such a large mass of business already before the House, that he doubted whether they should be able to afford time and consideration sufficient for a measure of that importance. He, therefore, was of opinion, that it would be better discussed in a Select Committee than in a committee of the whole House.

Lord *John Russell* said, that if these police bills were likely to be really improved by referring them to a Select Committee, he should certainly think it would be advisable to accept of that proposition. But, although there were certain bills with regard to which such a course might be advisable, he did not consider the present to be of that description. There were two classes of persons to whom these bills applied, whose conduct required some stringent provisions. He alluded first of all to pawnbrokers, who were instigators of the crimes so frequently committed by juvenile offenders—by children of nine, ten, and eleven years of age. These young offenders would not have the same inducements to commit crimes, if it were not for the facilities afforded them by pawnbrokers, who receive their stolen goods. These people receive from those young offenders every thing they could pick up, either in the shops or streets. The other class of persons to whom he referred, were the gambling-house keepers. These houses were on the increase year after year. They extended to all classes of society—not only to persons of the higher ranks, but to merchants' clerks, and to shopkeepers' apprentices. The evils resulting from the existence of those gambling houses required an immediate remedy. Therefore, apart from the very able speech which had been made by the hon. Member for Lambeth, he thought that it was necessary to proceed with this bill, in order to provide the means for repressing those dreadful scenes of profligacy and vice carried on under the name of gambling houses.

Mr. *T. Duncombe* hoped the hon. Baronet the Member for Marylebone would not press his motion against the second reading, and allow the bill to pass through its present stage without a division! He must say, that the speech which they had heard from the hon. Member for Lambeth had satisfied his mind on many points, and although he wished still to draw the attention of the House, to the clauses regarding the establishment of Courts for Small Debts, he should reserve himself until the bill was in committee, and he hoped the hon. Baronet would not persist in his amendment.

Mr. *Fox Maule,* with reference to the Police Bill before the House, thought it right to express his own thanks, and the thanks of the party to which he was attached to the hon. Member for Lambeth (Mr. Hawes), for the clear, lucid, and distinct manner in which he had explained them. In vindicating the bills now before the House, the hon. Gentleman had in fact vindicated the conduct of the committee, of which he was the chairman. The debt which the country owed to the hon. Gentleman for the course he had taken, as well upon the committee as in the House, in reference to this most important subject, was greater than he could express; and if any person either in that House or out of it, should venture to charge the hon. Gentleman with introducing and supporting a tyrannical measure, he (Mr. F. Maule) was satisfied that the time would come, and shortly too, when not only the hon. Gentleman's own constituents, but the constituency of the whole of the metropolitan districts, would thank him for the pains he had taken to amend the police jurisdiction of the metropolis and its suburbs. As regarded the bill now under consideration, there was only one point upon which he wished to say a few words. Much objection had been taken to the proposition for allowing a certain class of offenders to be sent to trial without the intervention of the grand jury. He could only say, that that proposition had been made with the full sanction and approbation of the great majority of the metropolitan magistracy. For his own part, he thought it a most wise and proper regulation. Carefully guarded as it was, it was impossible, that it would tend in the smallest degree to infringe the liberty of the subject.

Mr. *Wakley* rose to call the attention of the House to the salaries which this bill awarded, and to the class of persons from whom the new magistrates were exclusively to be selected. They found of late years that no opportunity was forgotten of introducing a person of the legal profession, whenever an office was to be filled up. He wanted to know why the Home Secretary was to be bound to choose a barrister of seven years' standing to fill the office of magistrate, when there were hundreds of thousands of persons, not members of the legal profession, who were better qualified to perform the duties of the magisterial bench. He trusted, that the hon. Member for Marylebone would not divide against the second reading of the bill, as there appeared to be a very general opinion in the House that the bill ought to go to committee. But when they came to the consideration of the clause which imposed the restriction to which he had adverted, he certainly hoped the Government would be disposed to give way upon that point. The amount of the salaries proposed to be given to the magistrates appeared to him to be most objectionable and most indefensible. The two police commissioners who had discharged their duties with so much credit to themselves, and so much advantage to the public, received each a salary of 800*l*. a year. Those gentlemen, it was to be remembered, were appointed and their salaries affixed by Sir Robert Peel, a Tory. Now, what was the conduct of the Whig Ministers of the present day? Why, under this bill they proposed to give to each of the junior magistrates a salary of 1,000*l*. a year, and to the chief magistrate 1,400*l*. a year. He looked upon this reckless extravagance as wholly indefensible; and when the clause came under the consideration of the committee, he should certainly move, that the salaries be reduced from 1,000*l*. to 800*l*., and from 1,400*l* to 1,000*l* a year.

Mr. *Clay* could not concur in the views of his hon. Friend who had just sat down. In his opinion no justice was so dear as bad justice, at whatever price it might be obtained; and as they were about to give large powers to the magistrates appointed under this bill, he thought it was incumbent upon the House to give such an amount of remuneration as would enable them to obtain persons competent wisely, usefully, and honestly, to discharge the functions of the office they were about to impose upon them. Neither could he concur in the view of his hon. Friend with respect to the impropriety of limiting the choice of the magistrates to members of the bar. It was perfectly true, that gentlemen in other walks of life might be found fully competent upon all general points to perform the functions of magistrates, but under the extended jurisdiction of the courts now proposed to be established, it was more than probable that legal points might arise which would require a sound knowledge of the law in the person who presided. For his own part he fully concurred in the principle of the bill, and should give it his very cordial support.

Mr. *Darby* thought that some of the provisions of the bill were most objectionable, especially those which took away the right of trial by jury, and substituted a fine for imprisonment in certain cases of felony. He wished, in common with his hon. Friend, the Member for Kent, that these bills might be sent to a select committee. If they were not, he was convinced it would be impossible for them to pass through the House.

Sir *E. Wilmot* differed from his hon. Friend who had just sat down, and was decidedly favourable to the proposed plan of giving the magistrate summary jurisdiction in certain cases.

Lord *Granville Somerset* was not friendly to the main provisions of the bill. He thought, indeed, that the measure could only be justified by the tyrant plea put forward by the hon. Member on the opposite side of the House. But, whatever the ultimate fate of the bill might be, he certainly hoped it would not be sent to a select committee. He was decidedly of opinion, that every provision of a bill of this kind ought to be discussed in the face of day.

Amendment withdrawn; bill read a second time.

SUMMARY JURISDICTION.] The Solicitor General moved the second reading of the Summary Jurisdiction Bill.

Lord *Granville Somerset* said, that, besides those clauses relating to summary jurisdiction, there were some extraordinary provisions contained in this bill which well deserved the consideration of the House. No doubt the subject of summary jurisdiction was one of both nicety and importance; but, without, for the present, touching on that part of the measure, he must say, that he should strongly object to the 32nd Clause, which went the length of disfranchising the clerks of the magistrates throughout the whole country.

The *Attorney-General* observed, that, in point of fact, the clause to which the noble Lord had alluded, had nothing whatever to do with the principle of the bill. He had no hesitation in saying, that it had been inserted *per incuriam*, and therefore it would be competent to them to adopt or reject it in Committee. The objection to the clause was no argument that the bill should not be read a second time.

Mr. *Pryme* objected to that part of the measure which gave magistrates a summary jurisdiction in cases of felony, without the intervention of a jury. Of late years, there had seemed a growing disposition to limit the functions of juries, and as he did not approve of such a departure from the law, it was his intention to raise the objection in the Committee.

Sir *E. Knatchbull* objected to the provision rendering it imperative to hold petty sessions weekly, and said, that it was absolutely necessary to allow them to be held at public-houses. This was the practice at present, and it could not be departed from without great inconvenience and expense. There were several other parts of this bill to which he entertained strong objections, but he did not think that the proper opportunity for pressing them.

The *Solicitor-General* said, if the right hon. Baronet had read the clause through, he would have found that it did not render the holding petty sessions weekly imperative, but left the matter open to the discretion of the magistrates. Now, with respect to not holding petty sessions in public-houses, he could only say that this was the case in Ireland, and that they were only assimilating the law of the two countries in this particular. It was found to be a good practice in Ireland, and he could not see why it should not be equally so for this country. In reference to the objection of his hon. Friend, the Member for Cambridge, all he could say was, that if it should prevail, there would be no use whatever for going into Committee on this bill. It was quite necessary that magistrates should have a power of dealing summarily with trifling offences committed by children, and although he would be prepared to consent to the withdrawal of the clause disfranchising the clerks of magistrates, he must say that he could not abandon that part of the measure which prevented the intervention of grand juries and trials in public courts of justice in cases where trifling felonies had been committed by juvenile offenders.

Mr. *John Jones* objected to the second clause of the bill, and thought that the measure was brought forward at a very improper time. It was a most bungling piece of legislation, and required the fullest scrutiny that a full House could give it.

Mr. *Darby* thought, that the principle of this bill was a very extraordinary one to come from the other side of the House. In the Quarter Sessions, they were not content with a full bench of magistrates, an experienced chairman, jury, and a bar attending, as securities for the proper administration of justice, but they must also have a barrister presiding; whereas in this summary jurisdiction they would have no bar, no barrister, no jury—but leave the decision of a felony to two magistrates. As to that part of the bill which prevented the holding of sessions in public houses, he thought it a very unnecessary interference with the discretion of the magistrates, and objectionable as throwing additional expense upon counties.

Sir *Eardley Wilmot* agreed in many of the objections to this bill. He thought it had been drawn up without sufficient practical knowledge. But with respect to that part which gave magistrates the power to inflict a fine of 5*l.* for certain offences which were now felony, he thought it necessary for the object of the bill. There had been a great increase of crime, and it was found that that increase was very much owing to the early imprisonment of children in gaols with convicted felons. To avoid this, the present bill proposed, in the case of juvenile offenders, virtually to convert what was now felony into a misdemeanour, He hoped the House would consent to a second reading, and give time for a dispassionate consideration of the whole subject in Committee.

Bill read a second time.

Borough Courts.] On the motion of the Solicitor-General, the House went into Committee on the Borough Courts Bill.

Mr. Cresswell moved the insertion of a new clause with a view to prevent parties from removing causes under 50*l.* by writ of *certiorari* into a superior court, without previously obtaining a judge's order, and cause being shown thereon, and also giving security for costs.

The Committee divided:—Ayes 57; Noes 1: Majority 56.

Clause inserted.

House resumed.

HOUSE OF LORDS,

Tuesday June 4, 1839.

Minutes.] Bills. The Royal Assent was given by Commission to the following Bills:—Deanery of Exeter; Seditious Societies Act Amendment; Designs Copyright Extension; Purchasers Protection; British Museum; and a number of Private Bills.

Petitions presented. By Lord Brougham, from Lennoxtown, against the further Extension of the Church of Scotland; from Glasgow, for the Improvement of Prison Discipline.—By the Bishops of Ripon, Exeter, and Gloucester, from several places, against the Church Discipline Bill.—By the Marquess of Lansdowne, and Lord Teynham, from several places, for a Uniform Penny Postage.

Malta—M. Mitrovich.] Lord *Brougham* begged to state that what he had advanced on a former occasion by way of conjecture, had now turned out to be true—viz., that the noble Lord the late, and the noble Lord the present, Secretary for the Colonies, had relied too much upon the statements of a Mr. Mitrovich, a petitioner to that House, who was described as an agent of the people of Malta, and who represented in his petition, that the Maltese were quite satisfied with the present state of the press, and begged that the ordinances might not be revoked. He (Lord Brougham) had said at the time, that he suspected Mitrovich had no authority for these statements, that he was not an accredited agent of the people of Malta, and that he had no more authority from them than he had, nor so much. He now held in his hand two newspapers from Malta, in which they abandoned and disclaimed Mitrovich, and said that they had nothing to do with him. The papers, moreover, were full of the debate in their Lordships' House, and one of them contained a very long argument against the ordinances, and supporting his arguments. He had never known anything of the kind more atrocious, than that this gentleman should pass as the agent of the people of Malta without a shadow of authority from them.

The Marquess of *Normanby* had never mentioned Mitrovich as agent for Malta; he had said, that he had received a letter from Mitrovich, but he had never spoken of him as an agent. As to the reception of the ordinances in Malta, he had that day received despatches from the Governor, and he gave a very different account of the matter from that which appeared in the newspapers referred to by the noble and learned Lord.

Subject dropped.

Church Discipline.] The *Lord Chancellor* rose for the purpose of moving the committal of the Church Discipline Bill. Their Lordships might recollect, that at the close of last Session a bill similar in principle to the present measure was brought under their notice. It was read a second time, and he believed on the third reading, some opposition being raised on the suggestion of a most rev. Prelate, the bill was withdrawn for the time. He mentioned this fact, lest it might be supposed that their Lordships were now called upon to give their assent to a measure which they had on a former occasion rejected. He should be glad if the interval that had passed since last July had put an end to the opposition then manifested to the principle of this bill; but as he had no reason to suppose this to be the case, as he on the contrary had every reason to suppose it was not so, it was his duty to explain to their Lordships the evils which it was proposed to remedy by the bill, and the nature of the remedies to be applied. In detailing the present state of the law, he should be guided by a document which must be considered for the present purpose as of the highest possible authority—the report of the Ecclesiastical Commissioners of 1832. That commission was comprised of a considerable number of bishops, and of judges, or eminent lawyers who had afterwards become judges. There were therefore as many ecclesiastical and legal authorities on that commission as could well be selected to investigate a question of this nature. They were naturally led to inquire into the present state of the law with respect to the power of enforcing church discipline, that is, correcting the errors and crimes committed by the clergy. They stated in their report very clearly and very fully the history of the law on that subject. In the early part of British history, during the establishment of Popery, they declared that unlimited powers were given to the bishops over their clergy. In those times the bishop had the power of calling on any clergyman who was supposed to have committed an offence to clear himself by an oath and through the agency of compurgators; and if the bishop were not satisfied with the result of the investigation, he possessed the largest possible powers of removing or suspending the clergyman. In the reign of Henry 7th, an act passed, which gave unlimited power to the bishop, at least over the benefices possessed by the clergy. He was authorized to exercise jurisdiction, in his own person and of his own right, over all who might be within the diocese. Such was the state of the law up to the time of the Reformation. At that epoch great changes were made in this respect as in all others, and by a statute of Henry 8th, against heresy, it was declared that "it standeth not with the right order of justice or equality that any person should be convicted and put to the loss of his life, good name, or goods, unless it were by due accusation, by witnesses, or by presentment, or confession, or process." The right to call on a clergyman to discharge himself of any imputed offence by oath was taken away by that statute. He would read a passage from the report, which would at once show their Lordships what changes had been made at the Reformation, and what the state of the law had been from that period down to the present:

> "In the beginning of the next century Bishop Gibson was desirous of reviving in the diocese of London the summary mode of proceeding against clergymen, especially in cases of non-residents, but the persons claimed a hearing, and asserted the right of defending themselves according to the rules and practice of ecclesiastical courts, and it was ultimately found impossible to resist that demand. Proceedings against clergymen for ecclesiastical offences have accordingly in modern practice been uniformly conducted by the same rules and proceedings as are observed in other cases in civil jury courts."

This extract, considering who were the members of the commission, left no doubt of the state of the law at present. The statute of Henry 8th had never been in force since the Reformation, but it still remained the law of the land. It was as yet on the statute book, and being unrepealed, must be held to be law, but not for the purpose of being put in force; for if that were attempted, the necessity for its repeal would become immediately manifest. One object of the present bill was to repeal this statute. If that were the state of the law, and if proceedings against clergymen must be commenced, as beyond all question they must, not at the discretion of the bishop, but by suits in the Ecclesiastical Courts, he would ask them to look at the state of those courts, and then say whether the law could remain as it now stood. The report furnished him with the means of showing their Lordships the state of those courts. He spoke not of the courts of the archbishop, or of the diocesan courts of the bishops, which were sufficiently well known; but perhaps their Lordships might not be aware, that besides those superior courts, nearly 300 other ecclesiastical courts were in existence. It was not to be supposed that all these had a jurisdiction for trying criminal offences of clergymen. One great misfortune was, that nobody knew which court had jurisdiction and which had not; it was impossible for the parties to discover in which court they should institute proceedings. A great object of this bill was to take away from all the ecclesiastical courts, except those of the archbishops, the power of trying such offences. That these minor courts were totally unfit and incompetent to be trusted with such a duty, he apprehended no one could doubt. In some of them the judges were not lawyers; many of them were presided over by deputies, receiving salaries of 10*l.* 10*s.* yearly. These were not courts that ought to have the power of exercising an important jurisdiction over persons holding the station of clergymen. Though the diocesan courts were of a more respectable class than those of which he had been speaking, still the mode of proceeding was of the most dilatory and unsatisfactory kind. In a particular case, where it had become necessary to institute proceedings against a clergyman, the litigation lasted five years, and the bishop was put to an expense of 1,500*l.* He was sure that this was a state of law which their Lordships could not allow to continue; and that being the case, the question was, what remedy could they apply? He was sure that an alteration of the existing law was universally desired, so that he need not take up their Lordships' time with that part of the question. The report of the commissioners on this subject recommended that all these small ecclesiastical courts should be abolished, and their business transferred to the courts of the archbishop, with the assistance of assessors. It was his wish, as it was his duty, to speak with all respect of anything that was recommended by such authority; but if anything could justify him in expressing his dissent from that proposition, it was, that all the commissioners who had had an opportunity of expressing their opinions on the subject, with one exception, had expressed the strongest possible dissent from what they had before recommended. In 1836, however, a bill had been introduced into that House founded on the recommendations of the commissioners, though not adopting all of them. The bishop was to be the head of the court, and was to be assisted by an assessor, who would be practically the judge; and there was also to be a jury of clergymen to try the offence and deliver a verdict upon it. Their Lordships had approved of that bill, which passed through their House without opposition; but, as the clergy were opposed to it, a great cry against it rose up in the country, and the bill made no progress in the other House of Parliament. That was in 1836. In 1837 he had been anxious to obtain the concurrence of the Ecclesiastical Commissioners before he introduced another measure on the subject. The Session, however, passed over, and nothing was done on that matter. In 1838 the present plan, or at least a plan very similar to it, was introduced into Parliament, and with the concurrence of the archbishops. He certainly could not say that it had met with the unanimous support of the right rev. Bench, but it had met with very general support and approbation from the members of it. The bill, however was subsequently withdrawn. He now brought it forward again with some slight alterations. Formerly the appeal was to the court of the archbishop, now it was to the Court of Arches, which was always presided over by a learned judge, and which had always the benefit of the presence of a learned bar. It had been said, that there was a spirit in the bill which always evinced a strong tendency to interfere with the jurisdiction of the bishops. Now, if this bill did take any jurisdiction from the bishops—which he would hereafter show that it did not—it would only be doing that directly by a tribunal in London which was already done indirectly by a tribunal in the country. He called upon their Lordships to consider how the law on this subject now stood. You could not take any jurisdiction from the bishops in this respect, because they had no jurisdiction at present, for there were various processes by which all suits of this nature were even now taken from the bishops' jurisdiction. First of all, the judge of the inferior court could send the suit by letters of request to the Court of Arches. Next, either party to the suit might apply for these letters of request, and when once applied for they could not be refused. Furthermore, if either of them appealed to the Court of Arches on an interlocutory decree relating to a point comparatively immaterial, the whole suit was transferred from the bishops' court to the Court of Arches, who might keep it as long as they pleased. Any party, therefore, had the means at present of taking his suit to the Court of Arches, but at a great expense, which this bill would for the future spare him. As far, then, as the bishops' courts were affected, this bill only gave the power of doing directly that which was already done indirectly. He likewise denied that any additional expense would be incurred by suitors in consequence of this bill; for even at present all the important business of the bishops' court was transacted, and all the important papers and documents were drawn up, in London, and afterwards sent down to the different courts in the country, to be there decided upon by the different judges. The questions tried in those courts might involve questions of facts. Now, it was proposed by the Ecclesiastical Commissioners in their report that in such cases the parties and witnesses should be examined *vivâ voce*. That proposition would require the attendance of the witnesses at the places where the courts sat. But though it was necessary to the interests of justice that there should be the power of examining witnesses *vivâ voce* in all cases, there were many cases in which it was not necessary to exercise that power. The bill, therefore, provided that certain cases, as was the case now in the Court of Review in Bankruptcy, should be tried upon affidavit; but it also provided that in other cases the witnesses should be examined *vivâ voce*, and the issue of facts should be tried by the judges as they proceeded on their different circuits. The bill had the merit, therefore, of providing means for saving the suitors expense, and for obtaining a satisfactory trial of facts. Now, if their Lordships were all convinced that something ought to be done on this subject, and that speedily, the only question was, whether they would give their support to the measure recommended in the report of the Ecclesiastical Commissioners, or to the measure which he had just introduced to their notice? He had stated the reasons why he thought his own was the better measure, and he hoped that their Lordships would give it their sanction and approbation.

The Archbishop of *Canterbury* was understood to say, that from the share which he had had in drawing up this bill, and from the objections which had been urged against it in different quarters, he should not be acting with justice either to the measure or to himself, if he did not offer a few words to their Lordships upon it. On the importance of the subject, there could be no doubt whatever. He had heard much of the necessity and of the justice of passing, for the sake both of the Church and of religion, some measure, by which there should be a more speedy mode of punishing those clergymen who injured the Church, either by gross violations of morality, or by the neglect of their duties in other respects. If there were a coercive power to punish them, it was quite clear that there must be a tribunal to exercise that power, and that, too, a vigorous and effective tribunal. They all knew the regret expressed by the bishops for the duties they were unable to perform, and all of them agreed that there was ground for complaint against, and that the country suffered much from, the present state of our ecclesiastical tribunals. The cry of the public on that subject was universal, and must be attended to. The delays which occurred in those tribunals were excessive, and tended to discourage all prosecutions for gross offences against the Church; and yet now, when an attempt has been made to remedy and improve the condition of those courts, he had been accused of the commission of a grave offence against the Church for having joined in that attempt. He had heard, with great surprise, the language which a right rev. Prelate had deemed it consistent with his duty as a Christian pastor, to use upon the subject; and his surprise was not in the slightest degree diminished when he discovered, upon examination, the slight grounds on which that language was founded. The right rev. Prelate had said, that he should consider himself a traitor to the Church, if he were to agree to such a measure. Now, the natural inference from that language was, that all who supported that measure were either traitors to the Church or labouring under great imbecility or perversion of mind. At present, though the sentence of deprivation might be pronounced by the bishop in person, still it was to be considered the sentence of the judge who had presided at the trial. It was only to give additional assurance to the public, that the bishop approved of the essence of the sentence which made Lord Stowell consider and declare, that the bishop's residence was necessary: The bishops had, therefore, acted very properly and wisely, in transferring the power to others; for it could hardly be exercised more inconveniently than by the bishop in person. But was it a power in daily use? As had been stated by the noble and learned Lord on the Woolsack, within the five years preceding the commission, there had been only fifteen prosecutions, excluding the province of York, in twenty-two dioceses. Surely that could not be an essential power which was so rarely exercised. It was also an inefficient, troublesome, and expensive power. In many cases, the expense was almost ruinous to both parties. He might say, that this power, which was hardly alive, which showed no signs of life, could not be a very important one. Everybody knew its inefficiency. What, then, was the remedy which ought to be applied? After what had been stated by the noble and learned Lord on the Woolsack, he thought their Lordships would agree with him, that the bill of 1836 would not supply the best remedy. He concurred in opinion with the learned Judge of the Court of Admiralty on this important subject; and he found himself supported, not only by the authority of that learned and eminent individual, but by the authority of many others, whose opinions well deserved the serious attention, and were well entitled to the respect, of that House. Amongst the number, was that of Chief Justice Tindal. Moreover, he had consulted every one of his right rev. and learned Brethren then in London, and they expressed their approbation of the measure. It occasioned him no small regret to find then, that some of his right rev. Brethren in that House entertained different sentiments with reference to this bill from those which he was bound conscientiously to express. He regretted, that these differences should unhappily exist, and he could not help expressing further his regret, that the differences which did exist had not been reconciled amongst themselves, rather than brought under discussion before their Lordships. Several petitions had been laid upon the table of their Lordships' House, and several letters had been published in the newspapers, taking notice of and discussing the merits of the measure. It had been opposed, also, and that very strenuously, by the right rev. Prelate (the Bishop of Exeter) now sitting at the table. Was it to be supposed that so resisted, that so assailed by a man of his ability and eloquence, it could escape from other adversaries incited by his example, though not capable of reaching the force of his opposition? Was it to be supposed that a right rev. Prelate possessing the talents and influence which he possessed, presiding for so many years, as he had presided, over the see of Exeter, could not command as many petitions as he thought proper from the clergy of that diocese? The Bishop of Gloucester, too, published a letter, or if he did not, as the right rev. Prelate intimated, publish a letter, he wrote a letter to the Archdeacon of his diocese which others published, in which he expressed sentiments decidedly adverse to the present measure. That right rev. Prelate could likewise command as many petitions in his diocese as the right rev. Prelate at the table could in the diocese of Exeter. Now, admitting that the petitions from those dioceses did really express the sentiments of the clergy residing in them, he would take the liberty of saying, that this proved nothing with regard to the opinions of the great body of the clergy throughout the United Kingdom, for, if he were informed correctly, there were no petitions against the measure from any other quarter. [*No, no.*] Well, there might, perhaps, have been a few other petitions, but he believed that their number was very inconsiderable. He held in his hand a statement made upon the subject, at least considered and drawn up, at a seat of learning; it was considered and prepared by men of undoubted learning, and great respectability, and high station in the church—men well versed in ecclesiastical history, and well acquainted with the ancient state of the law. He would venture to affirm, that the petitions presented that night, unless it could be shown that they came from men better acquainted with the subject than were the eminent and learned theologians of Oxford, were entitled to very little weight. There could not be a greater error than to suppose that the bill which he stood there to support was one by which the clerical jurisdiction could be destroyed. Complaints had been urged against the hardship apprehended from the present measure; he, on the contrary, did believe that it would, so far from being productive of any hardship, tend to much less mischief than the present system, for it would put an end to the evils of informers, at least, it would cause a considerable diminution in the evils which informers occasioned, and therefore he trusted that there was no ground for the statement set forth in the petitions then on their Lordships' table, that the bill was calculated to effect the destruction of the Church. He need scarcely observe that he at all events was not likely to bring forward or support, any measure calculated to destroy the church; on the contrary, he hoped that he should be a most earnest opponent of any thing of the sort. The present measure was supported by him because, so far from destroying, he did think it was calculated in a very high degree to prevent injury to the Church. Upon these grounds he should urge their Lordships to agree to the measure, entertaining, as he did, the strongest conviction that the petitions which came before them were full of mis-statements; though certainly he was quite ready to admit that those mis-statements were made without any disposition on the part of the petitioners to deceive the House, or to practise deception on any party. He gave the petitioners credit for every disposition to support the Church; but it would be for the House to judge of the weight due to their statements, and to judge also of the wisdom or the justice or the expediency of complying with the prayers of individuals, however respectable, who betrayed so much ignorance of the real facts of the case.

The Bishop of *Exeter* said, that it afforded him some satisfaction to observe the fair and candid manner in which the most reverend Prelate who had last spoken, had expressed his opinions in favour of the measure then before their Lordships. In one respect, he enjoyed some advantage at present as compared to the position in which he stood when it became, on a former occasion, his duty to oppose the bill. He had now the advantage of having heard the grounds upon which the noble and learned Lord and the most reverend Prelate supported the measure. Formerly, when it was before the House, nothing was said in its recommendation. On that ground he had no longer any cause of complaint. If he had any complaint to make on his own account, he should forbear from making it; but he must say, in his own defence, he must, in justice to himself, appeal to their Lordships whether they would consider it quite fair, if any of them thought that a measure was proposed which was of paramount mischief to those interests, which they regarded as the most sacred, and which, as in his own case, and with the sincerest feelings he said it, he felt he would be a traitor to the Church if he did not resist it—he appealed to them whether, conscientiously entertaining and expressing that opinion, it was fair to say, that because he would consider himself a traitor if he did not resist a measure, he thereby charged others with being traitors to the Church because they supported it? He never heard anything with such astonishment and with such surprise as this; and if he did not know the exceeding fairness of the most reverend Prelate, and if he did not know the justness of that most reverend Prelate's mind, he should say, that nothing could be more manifestly unjust than the imputation, he would not say the cruel misrepresentation, although he did not know by what other name to call it, than that which was thus used on that occasion. He had never thought, he had never said, he had never intimated nor suggested that he thought that those who supported this bill, did not think it to be a good and useful bill. He gave them credit for their honesty, and was the return to him to be that he was to be regarded as dishonest and insincere? He thus, then, dismissed that part of the subject. There were some things which had fallen from the most reverend Prelate to which he felt it his duty to advert. He must say, that, while he owed all due obedience and all due reverence to the most reverend Prelate, and no man should exceed him in due reverence to that most reverend Prelate, and no man should surpass him in all due reverence, yet still he could not recognise the infallibility of that most reverend Prelate. He ventured to affirm, that, upon the present occasion, the most reverend Prelate was not only fallible, but greatly deceived; he, therefore, must and would express his sentiments in reference to the present bill, though they differed from those entertained by the most reverend Prelate who had just addressed the House. The most reverend Prelate had said, that he considered that the present state of the discipline of the Church was peculiarly excellent, and referred to the paucity of instances in which there were trials of clergymen for misconduct. He rejoiced, with the most reverend Prelate, as to the excellent working of the system as far as the clerical character was concerned. He said, then, that if such were the practical result of the present state of things, he was astonished that a principle should be sacrificed by the bill to remove so little a practical evil. The most reverend Prelate had described the costs of a Bishop sitting upon the trial of clergymen, and applied words used by him a twelvemonth ago, that it would be a fatal blow to the Church; and yet the most reverend Prelate now recommended a course which he had already said would be a fatal blow to the Church. The most reverend Prelate had strongly animadverted upon a petition concocted in Oxford. It was not for him to justify the learned clergyman, whose petition he had never seen till he saw it in print: that part which was most strongly animadverted upon was the passage which declared that the bill would be a suppression of the apostolic jurisdiction of the Church. [The Archbishop of *Canterbury:* It was an error.] They held that sentiment, however, in common with himself. It might be ignorance upon his part and upon theirs; but, if he and they were right, those who held an opposite doctrine could not be right—they must be in the wrong. The right reverend Prelate had said, that he would not enter into theological questions. He never wished to discuss theological questions in that House, unless when it was absolutely necessary. Here, however, was a question essentially theological. The question was, whether or not the apostolical jurisdiction of bishops would be destroyed by this bill if it were passed into a law. In his opinion it would. He was afraid, therefore, that he could not follow the example of the right reverend Prelate in abstaining altogether from the consideration of that question. Their Lordships must allow that he must feel most deeply and anxiously on the subject, when he believed that there was an almost absolute certainty of his being left in a small minority; and he could assure their Lordships that it was to him a matter of very great regret that he should be compelled to think that the view he took of this measure was the right one. He rejoiced to hear the right reverend Prelate raise his voice on this occasion, because it was always a matter of gratification to him to hear any of the right reverend Lords express their opinions upon subjects of such importance to the Church of England as he conceived this to be. But he would now turn to the right reverend Prelates and ask them whether they did not believe that Bishops had by divine right, a jurisdiction over their clergy? He had ventured to hope, in putting that question, that he should have received the ordinary indication of assent commonly given to a truism. It was painful to him that it should seem to be doubted. [The Archbishop of *Canterbury:* No one can doubt it.] He rejoiced to hear the right reverend Prelate say, that no one could doubt it. If, then, there was an episcopal jurisdiction by divine right, he supposed that that episcopal jurisdiction must be exercised, and if it must be exercised, it ought and must be exercised by those to whom it was given. That he should think was a truism almost as readily to be assented to as the other; and though there was no intimation to that effect, he would take silence as an assent in this instance. He would go one step further, and ask what was the form in which that jurisdiction was given, and in which it was received at the time of the consecration of Bishops? He would be as brief as possible, but their Lordships would see the importance of referring to it. In the form of consecrating Archbishops and Bishops, one of the first prayers was, that "they may diligently preach the word of God, and duly administer the godly discipline thereof." The service did not end there. There were some parts of it which were too solemn, even with the view of strengthening his own argument in a sacred cause, for him to venture to cite. There was one question, however, of a very serious and solemn character, which was put by the Archbishop at the time of consecration, to which he would advert—namely,

> "Such as be unquiet, disobedient and criminous within your diocese, will you correct and punish, according to such authority as you have by God's word, and as to you shall be committed by the ordinances of this realm?—Answer—I will so do by the help of God."

That was the question which the most reverend Prelate put to him solemnly and seriously, and that was the answer which he sincerely gave to it. It might be supposed, at first sight, that the authority to be committed by the ordinance of this realm, limited the authority to be given by God's word; but he was sure his right reverend Friends would not say so. He was sure they would say, that they were two distinct authorities—that the authority given by God's word was one, and that given by the law of the land another. The service did not end there. The Archbishop, towards the conclusion of the ceremony, delivered to the Bishop a Bible, saying,

> "Give heed unto reading, exhortation, and doctrine. Think upon the things contained in this book. Be so merciful that ye be not too remiss; so minister discipline that you forget not mercy."

That was the solemn charge which he had received from the most reverend Prelate. He had received it with reverence; he had endeavoured to practise it; he should always feel it his duty to endeavour to practise it; but to say that he felt a necessity for, or could yield to, the fancied expediency of suppressing altogether the exercise of episcopal jurisdiction, he never would, until he should be also prepared to say, he felt that the service of which he had just spoken was no better than a solemn mockery. If it were to be declared that it was high time to put an end to episcopal jurisdiction, he assured their Lordships that he should deem it his duty also to declare that it was high time to request that a convocation might be called together for the purpose of devising some mode of introducing persons under the name of Bishops, if the name of Bishop was to be continued on the bench, in accordance with that change in the exercise of those duties which were now required of them. Even that was not all. When priests were ordained, they were solemnly asked by the bishop :—

> "Will you reverently obey your ordinary and other chief ministers, unto whom is committed the charge and government over you, following with a glad mind and will their godly admonitions, and submitting yourselves to their godly judgments?"

Here was a recognition, on the part of those who were to answer, of the jurisdiction of the bishops over them. What was the answer? "I will do so, the Lord being my helper." It was a mockery therefore, to contend that there was to be no exercise of episcopal jurisdiction. Our Church was not the only Church where episcopal jurisdiction of the clergy was considered to be essential. During

300 years the Christian church had not been mixed up with any state whatever; there had been no coercive tribunals; no support had been given to that Church by the temporal laws of the countries in which it flourished; but was episcopal jurisdiction not exercised in those days? So far from it, that that jurisdiction was then exercised with a degree of vigour which it was rarely seen to have been exercised with since. Perhaps he might be permitted to read a very few lines from one of their best Christian antiquaries on this subject. Although they were already well known to his right rev. Friends, and who did not need to be reminded of them, he was sure they would pardon him for quoting them on the present occasion. The words he alluded to were from Bingham's *Antiquities*, and as follow:—

> "Bishops always retained to themselves the power of calling presbyters to an account, and censuring them for their miscarriages in the discharge of their office. Nothing can be more sure and evident than that in Cyprian's time all bishops were invested with the power of censuring delinquents among the clergy."

Cyprian's time was before the Roman empire had declared in favour of the Church, when it had no support from the temporal powers. Well, if it had a jurisdiction, how was that jurisdiction to be exercised? Was it to be exercised by a judicial process? There were but two ways—either arbitrarily, or by that process which common equity, common justice, and the analogy of every judicial proceeding pointed out. Witnesses must be called; the accused must have notice of the charge, and the opportunity of answering it; in short, there must be a judicial process. So it had been in the early Church, and so it was essential it should always be in the exercise of judicial and likewise of episcopal jurisdiction. It was to be remarked, that not only had the early Church—not only had the Church of England, in former periods, recognized episcopal jurisdiction as coming from God, but the State also had repeatedly recognized it. It had recognized it every time it had given force and sanction to the Church itself. It had been recognized by King Henry 8th, and King Edward 6th, even in those instruments in which one could least expect to have found such a recognition, if it had not been extorted by the certainty of the truth of what it stated. In the early period of the Reformation the bishops did submit to take the whole of their bishoprics by licence from the Crown, and that licence, while it enumerated all the acts of episcopal jurisdiction, stated, that they were given over and above the jurisdiction given by the word of God. King Edward 6th, when Cranmer received a licence from his archbishop, and to the terms of which he was willing to adhere, made the same admission. Where the Church had not the advantage of connexion with the State, there also was episcopal jurisdiction acknowledged and acted upon. If the American episcopal Church, without the slightest assistance from the state, beyond that given to all professions, to every species of belief—if the episcopal Church of America exercised that jurisdiction by judicial process, it was plain that in the nature of things there was nothing whatever to prevent it from being still executed even here. Surely the circumstance of our Church being protected by the State ought not to prevent it. What, let him ask, was the meaning of "protection given by the State?" of the State avowing its belief in the religious opinions and acceptance of one body of Christians as the Church of Christ? Was it not that, by acknowledging them as that Church, the State acknowledged it to be their duty to carry into effect all the essential points of the discipline of that Church, and that all that was essential to episcopacy—the State by recognizing, recognized at the same time its own duty. Therefore did he say, that when a State recognized the Christian Church as its own, it consequently recognized the bishops of that Church; and being so, it became the duty of the State to give to episcopal jurisdiction such sanction—such civil sanction—as should insure the effective exercise of it. He was willing to spare their Lordships' time and his own by declining to go into the proofs which might be adduced from the writings of their predecessors, by stating at once that almost every distinguished divine who had ever written upon this subject was of that opinion. He would, however, refer to what had been said by one of them, and he could produce a dozen such authorities—namely, Bishop Hall, one of their own predecessors, a most distinguished and illustrious divine, one of the most able supporters the Church ever had, and in times more pregnant with danger to the Church than even the present. It was in such times that Bishop Hall thus maintained that episcopal jurisdiction was that jurisdiction which was to be exercised at all times and under all circumstances:—

> "It is the charge upon Titus (iii., 10). A man that is a heretic, after the first and second admonition, reject. So, then, it is to Titus it belongs to proceed against erroneous teachers, to judge of heresy, to give formal admonitions to the heretic, to cast him out of the church upon his obstinacy. Can any man suppose it to be for a mere presbyter to make such a judicial process against heretics, to eject them out of the church? What is spiritual jurisdiction, if power to do this be not? To sum up all, therefore, it is no other than our present episcopal power, that by the blessed apostle is committed to Timothy and Titus; and that, with so clear evidence, that, for my part, I do not more fully believe, there were such men, than that they had such power, and these warrants to execute it."

Their Lordships would see that Bishop Hall spoke of the necessity of that which this bill said should no longer be. He had made use of the very phrase, "judicial process," in a clause at the end of the bill; it was stated (the preceding section having deprived bishops of every right to convent criminal clergymen, and bring them to judgment),

> "that nothing in this Act contained shall be construed to affect any authority over the clergy of their respective provinces or dioceses which the archbishops or bishops of England and Wales may now, according to law, exercise personally, and without judicial process."

But that judicial process was absolutely essential. It was so in the opinions of Bishop Hall, Bishop Jewell, Archbishop Cranmer, and others, which opinions he would not weary the House by repeating. He declared most solemnly to their Lordships that he could not find a single instance of any eminent divine who had written on the subject who did not express the same sentiments; and he hoped, that such Members of their Lordships' House as should follow him in this discussion, and particularly such of the right rev. Prelates as should do so, and who might wish to show, that he was wrong in thinking that this bill had a tendency to extinguish episcopal authority, would be of the same opinion as those high authorities, he had just named. They were told, that the "judicial process was not extinct"—that it was given to the Court of Arches. Perhaps he might be also told, that it was a judicial process to the bishops, inasmuch as that the dean of the Court of Arches was the representative of the Archbishop of Canterbury. All he could say was, that the dean of the Court of Arches had no such commission from the Archbishop of Canterbury. All the dean of that court held from the Archbishop of Canterbury was the appellate jurisdiction; and the appellate jurisdiction recognized, instead of extinguishing, the original jurisdiction of the other bishops. If this bill passed, the jurisdiction would be held, not from the Archbishop of Canterbury, but from the State. If that were permitted to take place, then would he say, that a very strong and serious mischief—a mischief which it would be more easy to lament than to remedy, would arise; then would he say, that a lay power would be the only authority for the exercise of the whole episcopal jurisdiction of England, because it would be exercised only by the dean of the Court of Arches, who would hold his authority solely and simply from an Act of Parliament. They would then, indeed, be brought to that state which the Roman Catholics were anxious to represent them as being in—namely, an Act of Parliament Church; and they certainly would be very near it. As far as he could conceive that part of the subject, the exercise of episcopal jurisdiction would be given to the Court of Arches by an Act of Parliament, and an Act of Parliament only. It might be said, that the archbishop could issue a new commission if this bill passed, giving to the dean of the Court of Arches the same authority as the Act of Parliament, and that then the dean would hold the authority from the Archbishop of Canterbury as well as from the Act of Parliament. But the right rev. Prelate could only give that which he had; and with very great respect for the right rev. Prelate, who, he was sure, would agree with him, he must say, that the right rev. Prelate had not that authority to give. He was sure the right rev. Prelate would admit, that he had not any right to such a power himself, and that, not having it himself, he would not claim the right of conferring it on others. The Archbishop of Canterbury had no original jurisdiction in any other than his own diocese. He would here take leave to refer to a pamphlet from the pen of Dr. Nicholl, vicar-general of the Archbishopric of Canterbury—a pamphlet very temperately written, containing notes upon the Church Discipline Bill, directly addressed to him (the Bishop of Exeter), and in which the author had also done him the honour to refer to a printed speech of his. That speech he had never seen; he knew not, therefore, how far it might be correct; some parts of it judging from what the pamphlet quoted, were not correct, although what was quoted on this subject was. The pamphlet justly surmised, that in the opinions there expressed, he had quoted from the authority of Gibson. He had done so in his character of legate of the Pope. That was his (the Bishop of Exeter's) assertion. Besides, after having taken the authority of Gibson, he did that which he was in the habit of doing, to satisfy himself that he was right—he referred to books which enabled him to trace what the real facts were, and what the law upon those facts was. He held in his hand Lord Hobart's reports, a most learned and able judge of the reign of King James 1st, and the case to which he wished to call attention, was one, in which an office of the Archbishop of Canterbury, after having been restrained by the statute of Henry 8th, from calling up persons from another diocese into the diocese of Canterbury, had thought fit to establish a court in the borough of Southwark, in order to call up persons from the remotest parts of the diocese of Winchester. The case was tried in the Court of Common Pleas, and this was the judgment:—

> "And it hath heretofore been held in this court, that the supposed concurrent jurisdiction, that the archbishop is supposed to have in the inferior diocese was not as he was archbishop, but as he was *legatus natus* of the Pope; for the Archbishop of York neither hath, nor claimeth any such; and then that power is ceased, being abrogated with the Pope, and the late practice, if any hath been, is but an usurpation; and, if is permitted to be in the archbishop's mere power, he may erect a court of audience in every diocese, and call all causes from other ordinaries."

Their Lordships would therefore see, that Lord Hobart confirmed his statement, that that jurisdiction had its origin in the Pope, and that the claim of the archbishop to a concurrent jurisdiction, was nothing more than a renovation of a Popish claim, and that if any person should claim that concurrent jurisdiction, he claimed nothing more than what was a remnant of Popery, while it was contrary to the law of the land. He felt convinced, that the Archbishop of Canterbury would not claim at present any such jurisdiction, but in the pamphlet to which he (the Bishop of Exeter) had alluded, the Archbishop's vicar-general claimed it for him. There was only one way in which, upon Church principles, the Archbishop of Canterbury could have the jurisdiction which the bill proposed to give him, and that was by making the whole of England into one diocese—that of Canterbury; and by making all the other bishops suffragans, not in the best sense of the word, but in the sense in which the term was employed in the reign of Henry 8th, according to which the suffragans had only to confirm the acts of the bishop. That was the only way in which, upon Church principles, the vicar-general of the Archbishop of Canterbury, or any one claiming authority under him, could have the jurisdiction proposed to be given by this bill. But even that would not be sufficient for all the purposes of the bill; the bill was not satisfied with giving over to the Archbishop of Canterbury the whole of his own diocese, but it gave him that of York also; so that not only must England form one diocese, but it must likewise form only one province. He admitted that Parliament had the power of making those alterations; he admitted the right of the State to appoint the measures and boundaries of dioceses and provinces; but such alterations must be made in order to give the Archbishop of Canterbury the jurisdiction sought to be conferred by this bill upon the Court of Arches. It was very remarkable that a whole diocese, that of Sodor and Man, was exempted from the operation of this bill. The reason of this exemption was, it was hardly necessary to say, that individuals might not be obliged to travel so great a distance as that from the Isle of Man to London. He rejoiced at the candour which was shown in making this exception, and it tempted him to hope, that if he could show that certain other clauses of the bill would also lead to very great inconveniences, his right rev. Friends would exhibit the same candour in assenting to other departures from the general principle of the measure. He admitted that they would go to destroy still further the analogy of its provisions, but he hoped to show that they were absolutely necessary. It was the third clause of the bill which was the most important. By that clause the power of passing sentence of excommunication, suspension, deprivation, deposition, and degradation, or pronouncing any other spiritual censure, was given exclusively to the Court of Arches. He would pass over the irregularity of spiritual censures issuing from a lay court, but, by the 122nd canon, the power of depriving was to be exercised only by the bishop. The pamphlet to which he had referred stated, that it was a great mistake to suppose that that canon prevented the Court of Arches from having jurisdiction in such a case, and affirmed the right of the Court of Arches to deprive in spite of the canon. But the pamphlet cited no authority more modern than 140 or 150 years ago. Now, there had been a case of more recent date upon the point, a case which had been decided in the year 1822—he meant the case of "Saunders *v.* Davies," which was reported in the first volume of *Addams' Reports*, page 291, and came before the court by letters of request from the Chancellor of the diocese of Oxford, a cause of office promoted by a parishioner against the curate of the augmented cure of Ascott, for immorality and irregularity in performance of divine offices. The charges being established, the sentence prayed was deprivation, but the court said that, in spite of what had been urged to the contrary, deprivation was a penalty which it was not at its option to award, deprivation and deposition being specially reserved by the canon to the diocesan. The court said:—

> "It would be extremely unwilling to do in the teeth of that canon what the canon itself seemed framed to exclude upon the mere dicta of counsel, in the absence of any, or at most upon the strength of one (blind) precedent."

Who had pronounced that decision? who was the court? A great name, and one which he (the Bishop of Exeter) could never cease to respect. It was Sir John Nicholl who gave this opinion, and in giving it, pronounced that the principle on which this bill was founded was wholly untenable. Suppose, however, that Sir John Nicholl was wrong, and that his son, the author of the pamphlet, was right, still there was another claim which even the Vicar-general did not venture to make, but which was set up by this bill. The bill actually purported to give to a lay tribunal the power of deposing and degrading, in other words, of destroying, the ministerial character of the offending clerk. This was a power which the House had no right to dispose of. Neither her Majesty, with the advice and consent of the Lords spiritual and temporal, and Commons in Parliament assembled, nor all the Kings and Queens and Parliaments in the world, ever had, or could have, the power of doing what this bill presumptuously said the Court of Arches should have authority to do. The utmost conceivable human power could not confer upon a lay tribunal the right of stripping the ministers of the church of Christ of their ministerial office. The supreme civil authority in a state might forbid any clergyman to exercise his functions in any part of the dominions belonging to the state, but it could not rob him of his ministerial office; it could not make him cease to be a clergyman; that power, from the very nature of its origin, could only be exercised by the bishops themselves. He looked towards his right rev. Friends upon the Bench, and he called upon them to say, whether any lay tribunal could possess this power. He should be sorry to think that his right rev. Friends could give any answer but one to his appeal. If, then, the Legislature could not confer the power of deprivation, deposition, and degradation, upon a lay tribunal, some court there must be, in which this power should exist; and this court, whether it was called a Consistory Court, or any other name, for that was of small consequence, must be presided over by a bishop. It might as well be said, that the power of ordaining could be given to laymen; the authority required to confer the ministerial character could be no greater than that which was required to take it away. Therefore, the bill might, with quite as much right, enact that the power of ordination should belong to the Court of Arches. That, however, it could not do; a bishop, and a bishop only, could ordain a layman to the ministry. The maxim of the canon law went further; it said, "facilius spiritualia construuntur quam destruuntur," and accordingly, the canon law of England required the concurrence of a certain number of bishops in order to depose a clerk. Even at this day the Bishop was assisted by some clergyman of his diocese, when he pronounced the sentence of deposition. The learned vicar-general, indeed, laid it down in his pamphlet, that in pronouncing this sentence the Bishop only acted as the mouthpiece of the Court. But the Bishop read over the depositions of the witnesses, and acted upon his own opinion, when he concurred in the judgment pronounced by the Chancellor. He (the Bishop of Exeter) believed, that the learned vicar-general would not find many of the right rev. Prelates upon the bench disposed to act as mouthpieces. They might be called upon to act merely in that capacity, but the learned vicar-general would be like Owen Glendower, who boasted that he could "call spirits from the vasty deep;" he would discover that they would not answer to his call. The State, by adopting the Established Church, had taken upon itself the duty of giving effect to its ordinances; it might vary or modify them in circumstantials, but all essentials it was bound to maintain and uphold. This duty was recognised by the Legislature itself in its most solemn enactment, that which prescribed the form of the coronation oath. What would be the state of the Church, if the measure were carried? Its legislative power was gone already. The clergy never met in convocation for the purpose of legislating upon the affairs of the Church; all legislation was now carried on by the state. And he must say, that whatever evils might have arisen from the clergy sitting in a convocation or synod, there were also great evils on the other side, and that those evils, if legislative measures like the present were to be passed, were incalculably greater than those which could possibly arise from the scandal produced by the squabbles of convocation. The passing of this bill, then, he could not help repeating, for he had given his reasons for the opinion which he held, would be in his eyes the extinction of the true episcopal character of the Church. Legislative power it had none; its judicial authority would go with the present bill, and of its executive functions, the highest and best, that of administering justice with mercy, was no longer to be intrusted to its Bishops. The Church was stripped both of her judicial and her executive power by this bill. Suppose that the proposition was, that they should interfere with the independent functions of the Church of Scotland, would not the whole of Scotland rise in arms against it, and would not the union with Scotland be speedily found to be a mere parchment union? If the interference were attempted with the Quakers, the proverbial peaceableness of that body would, he imagined, become a very formidable ingredient in the present state of the country. The Church of England was the only body in the land which could be assailed in its essential and vital parts with impunity. Entertaining these sentiments, he had felt it to be his duty frankly to avow them. With regard to the subject of church discipline generally, he had already intimated, that he would be disposed to adopt the recommendation contained in the report of 1832, with reference to increasing the powers of the bishops. To increase, and not to circumscribe, those powers, was the proposition of his right rev. Friend upon that occasion; and to the report he found affixed the names of Charles James London, Christopher Bethell, as also that of another right rev. Prelate, who he deeply regretted was not now present at their councils—he alluded to the name of William Dunelm. If that excellent man were still cheering them with his presence, and giving strength and confidence to all the friends of the Church, he would have unquestionably so addressed their Lordships that this bill never would have been entertained. He cordially concurred with the recommendation of the Commissioners of 1832. The great object of the Commissioners, as stated in their report, was "to maintain and enforce the authority and control of the Bishops over the clergy," of the decline of which they gave the history, and the restoration of which they stated as one great recommendation of their plan.

> "They would restore to the bishops that personal jurisdiction which they originally exercised, and which was afterwards delegated by them (for never before this bill did Parliament undertake to transfer it) to their chancellors and officials."

Will the Commissioners, therefore, increase and regulate the power of the Bishops:—

> "The doctrine of the canon law is, that although the trial of causes of certain descriptions (*i. e.* matrimonial, &c.) may be properly intrusted to a lay judge, to the Bishop himself belong *inquisitio, correctio, punitio excessuum seu amotio à beneficio*. Agreeably to this principle, the power of deprivation is reserved by our

canons to the Bishop in person; and the same principle seems to apply to the case of suspension, and to the infliction of any other censure which may affect a clergyman's spiritual functions."

He did not approve of their fettering the Bishops with assessors. They might depend on it that the Bishop would know what was best to be done *pro re natâ*, whether to call to his aid the advice of a lawyer or of an experienced clergyman. The law of the Church was, that the Bishop should have some of his presbytery with him. The dean and chapter already presented a body which ought to be ready at his call upon all occasions. There was one other suggestion which he (the Bishop of Exeter) would give—namely, that there be only one appeal. This might be startling to some of their Lordships; but it was his decided opinion, that the only appeal from the Episcopal Court should be to the Court of Arches, and to no other tribunal. It might be said that the Queen, as head of the Church, ought to have the ultimate resort to her. This, however, had not been the practice of the Constitution. The statute of appeals, which he looked upon as a most extraordinary specimen not only of wisdom but of eloquence (he alluded to the 24th of Henry 8th, c. 12), gave a most accurate description of the Constitution of England, and claimed for the spirituality of England the power of deciding in all cases spiritual, and for the temporality in all cases temporal. This statute enacted, that there should be no appeal in spirituals from the Archbishop's court. The cause of a different course being adopted in the following year was well known. The Bishops of that time were strongly suspected of entertaining a very amicable feeling towards the Pope. Therefore an appeal was given to his Majesty; and in the *dernier resort* the power was vested in the Crown of trying appeals. This power was to be delegated by the Crown to a commission. How did this work? Till late in the seventeenth century, no temporal peer or judge of the land, except in one instance, was included in the commission. His authority was not a light one; it was that of Mr. Gibson. The judges always put forward in the last resort consisted of bishops and divines. Of what did this judicial tribunal now consist? Of bishops or divines?—No. Of churchmen?—No. Of the twelve officers who were then named, it was not necessary that more than two should be churchmen. All the rest might be the bitterest enemies of the Church—Roman Catholics or Unitarians. The only excepted cases were those of the Lord High Chancellor and the Judge of the Prerogative Court. Did not common sense reclaim against this? The effect of vesting in the Judicial Committee of the Privy Council the last resort in spiritual cases was to constitute them ecclesiastical judges. So that the arrangement was one, which in the event of Roman Catholics being appointed judges, would directly clash with the Act of 1829. The right rev. Prelate concluded by moving, that the Bill be committed that day six months.

The Bishop of *London* said, that it would not be possible, within the compass of a few observations (and beyond a few he could hardly think of trespassing on their Lordships), to say all that would be desirable to state in answer to the very able speech of the right rev. Prelate who had just sat down. That right rev. Prelate had undoubtedly a right to call upon him and two of his brethren to give some account of the change in their opinion as to the measure which they had adopted and recommended in the report of 1832. He had certainly entertained at that time a notion very similar to the opinion now expressed by his right rev. Friend, that the early powers of the Bishops should be restored to them; and he still thought it of very great importance that those powers should be augmented, but not exactly in the manner proposed by his right rev. Friend. The experience of the years which had elapsed since the time to which the right rev. Prelate had referred, had led him to doubt the expediency of that specific enlargement of powers which was pointed out in the report. His right rev. Friend appealed to the authority of one of the most prudent and amiable Prelates that had ever adorned the bench of England—he alluded to the late Bishop of Durham. Although that right rev. Prelate had signed the report generally, he had withheld his assent from that particular recommendation. He said it would be imposing a burthen on the Bishops, which he shrank from inflicting on them, and which he could never take upon himself. The law of these cases was very complicated and depended so much on a great variety of precedents, that, for his part, it would be a matter of the deepest concern to him to have his attention drawn away from matters of far higher moment, to decisions upon questions relating to mere points of ecclesiastical law. In three cases out of four he should have to sit as a judge in his own cause. One of the most important recommendations of this Bill was, that it removed all these cases from tribunals which were mostly incompetent, and always liable to the suspicion of partiality, to a judge deeply versed in ecclesiastical law, and far above all suspicion of unfair bias. This, of itself, was so great a recommendation, that he should be disposed upon this ground to adopt the present measure, if he believed it to be free from the objections which had been stated by his right rev. Friend. Those objections were of a very important character, and he (the Bishop of London) did not say that this measure was altogether free from them. It was quite true that, according to strict ecclesiastical principle the entire exercise of spiritual authority should be reserved either to the Bishops, or to the persons especially authorized by them. It was not, however, now-a-days practicable; and, as they must make a choice of evils, he thought the adoption of the present measure would be the least. It was his opinion that the right rev. Prelate had unintentionally confounded the different kinds of jurisdiction, which belonged to the episcopal office. He agreed with him that that which was strictly of a spiritual nature ought not to be delegated to others. He alluded, for instance, to the power of ordaining and confirming; but, when they came to the power of inflicting punishment, the case was different. There were two kinds of ecclesiastical punishment. They might proceed to inflict punishment on a clerk, or other member of the church, by spiritual censures. That was a power which might be held to be incommunicable, and yet it for ages had been delegated to the judges appointed by the Bishops. Excommunication was a sentence decreed in open court by the ecclesiastical judge. [The Bishop of *Exeter:* The greater excommunication is reserved to the Bishop.] However, two of their jurisdictions were even now entrusted to the hands of laymen, and to show that this was not necessarily incommunicably inherent to Bishops, it was executed by other bodies, such as deans and chapters and the ordinances of peculiars. His right rev. Friend had in the course of his speech expressed a sentiment which he should have been glad had it been repressed, for the sake of the effect it might produce out of doors. His right rev. Friend had said that if this bill passed, it would go a large way to sanction the statement which was frequently in the mouths of Roman Catholics, that the Church of England was an Act of Parliament Church. Would not however, the same objection in point of principle apply to any measure that even his right rev. Friend might introduce—to any remedy he might think it right to apply to existing evils? Could any such remedy be applied except by the authority of Parliament? He thought it was one of the peculiar doctrines of the English Church that it assigned the supreme temporal headship, to the Sovereign, and whatever might be the theories of divines, as stated by his right rev. Friend, that was the doctrine of those who were looked to as authorities on questions of the Church in connexion with the State. Those authorities held, that with respect to jurisdictions affecting the rights of persons, the Crown was the fountain of all authority, ecclesiastical and civil. Such were the opinions of the greatest lawyers of this country upon a matter in which the opinions of lawyers was at least equivalent to those of the most learned divines. Lord Chief Justice Hale, who though a most illustrious judge, was, he must say, rather prejudiced against the ecclesiastical courts of the country, spoke of the jurisdiction exercised by the Bishops as being derived from the Crown, and he declared that all courts, ecclesiastical or civil, held no other power or authority but such as were derived from the King's Most Excellent Majesty. Again, Bishop Gibson observed that the external administration of spiritual discipline, such as the removal from benefices, was in the Bishops, but that it was impossible for them to exercise that discipline without the aid of those courts which derived their authority from the State. This was a measure to enforce the performance of duties by the clergy. Now, he had never heard in the English Church that the temporal power might not interpose for that object. The Necessary Doctrine of a Christian man, published in 1543, says, "that priests and bishops may not exercise any of their spiritual offices, but with such sort and limitation as the ordinances and laws of every Christian realm do permit and suffer." Was there, then, any real objection to the principle that lay authority might be admitted in aid of ecclesiastical discipline? And then arose the question, which was the best mode of enabling the bishops to exercise that discipline which they could not exercise without the authority of the State? He entirely concurred with the most rev. Prelate (the Archbishop of Canterbury) that this Bill would strengthen that truly spiritual discipline which every Bishop possessed, and which no one wished to take from them. The discipline of the Church was best secured on the one hand by a paternal exercise on the part of the Bishops of the authority vested in them; on the other hand by the opinion entertained by the clergy of that spiritual authority, and by their conscientious regard to the obligations they were under by the ceremony of ordination. At his consecration a Bishop was solemnly charged to administer discipline according to the will of God and the law of the realm. Here, then, were two kinds of discipline—a spiritual discipline according to the will of God, and not exercised by the law of the realm further than the recognition by the law of the authority of the particular Bishop of each diocese; and another kind of discipline to be exercised according to the laws of the land. This distinction furnished an answer to the argument which his right rev. Friend had drawn from the service of consecration. Then, by the ordination service, the party admitted, promised to obey the chief governor, to whom the authority over him was committed, that is by the law of the land. He apprehended that his right rev. Friend would not now insist on the power of personal excommunication as an effective means of administering the discipline of the Church. Sorry should he be to see any individual clergyman of whatever degree taking upon himself most dangerous power—apower so liable to be abused, and which had been so often abused by the clergy of other Churches. He thought it was a proof of the wisdom of the Protestant Reformers that they did not think it necessary to assert that power for individuals, but left it to the discretion of a competent tribunal after due inquiry and investigation into the merits of the case, and the 65th canon required, that the sentence should be pronounced in open court. Now, with regard to the transfer of the jurisdiction from the Bishop's to the Arches Court; if he could devise or see any other plan for the more effectual discipline of the Church, which would steer clear of the difficulty which that transfer presented, he would gladly embrace it. That part of the measure was, however, important rather in principle than in practice; but, although important to a certain degree in principle, it was not likely to be drawn into an inconvenient precedent. In practice, their Lordships had heard that fifteen cases in five years formed the sum total of suits against criminous clergymen from all the dioceses in the kingdom, and he was sure if this bill was passed the number would be further diminished—diminished not only because the body of clergy of the present day were more carefully educated than formerly was the case, and, therefore, he need scarcely add, were a more decorous and better conducted class of men, but because the knowledge that such a tribunal as that now proposed existed—that the mode of trial was summary, just, impartial, and not very expensive—that facilities were given, not to common informers, but to the Bishops; these circumstances all being known would deter many criminous clergymen from persisting in proceeding in a wrong course. It would deter, for this further reason—they would know that the Bishop had power to send for a clergyman to speak to him in a friendly but firm tone, to say to him he had too much reason, after inquiry in the neighbourhood, to believe what he had heard respecting the conduct of that clergyman to be true: to such a man the Bishop could say, "There is a mode of bringing you to justice, and if convicted, you will be ruined; let me persuade you to submit at once to my judgment, which shall be as light as circumstances will admit, and retire from your benefice altogether, or at least for a time" In practice this was now a common mode of proceeding to which Bishops had recourse, and might be resorted to with still better effect if the bill was passed into a law; whereas, if the principle contended for by his right rev. Friend was carried into effect, all this preliminary discipline would be put a stop to. With regard to the delegation of powers to laymen to which his right rev. Friend objected, there was no innovation of principle, for it had been done in the act of Parliament which constituted the Judicial Committee of the Privy Council a tribunal in such matters in lieu of the Court of Delegates. The difficulty which presented itself to his mind, was involved in the transfer of the ecclesiastical causes from the courts of the Bishops to that of the Archbishop. That proposition certainly weighed heavy on his mind, and he wished some other mode could be devised for getting over it; but on the whole, he could not say of a measure which was likely to effect great good to the Church, with so little of evil as was contained in the bill, he would not accept it with its evils and benefits, such as they were, thinking, as he did, the balance was greatly in favour of the latter. He concurred with his right rev. Friend in the opinion he had expressed that the word "degradation" ought not to be introduced into the bill. In no case ought degradation to be inflicted by laymen; a clergyman might be deprived of the power to exercise his spiritual functions, but he doubted, whether either the state or any ecclesiastical tribunal was competent to deprive him of his holy orders, when once admitted to them. He, therefore, thought the word "degradation" ought to be omitted. There were many other points on which he would gladly have touched, but time warned him that he had trespassed too long. He admitted the difficulties of the question, but thinking the bill had objections less than advantages, and that it might receive some modifications in Committee, he was disposed to adopt it in its present stage.

Lord *Wynford* said, that having served in committee on this subject, with the right rev. Prelate who had just addressed the House, he must offer a very few observations to their Lordships. His objections to this measure were of a nature more familiar to his mind, than those which were so ably expressed by the most rev. Prelate, and the two right rev. Prelates, who necessarily looked upon this subject with a view to the spiritual questions involved in it. As to the subject of the assessors, several plans had been brought forward in the committee, which, after much deliberation, had been thoroughly discussed. His own proposal was, that the deans and chapters should act in this capacity in the bishop's court; but the right rev. Prelates thought that would not do. Now it was the fact, that from the earliest period, though the bishops had delegated all other powers, their criminal jurisdiction over their clerks they had ever reserved to themselves, merely calling in a legal adviser or assessor, in cases of difficulty. An act of Parliament, passed in the reign of Henry 7th, had confirmed this jurisdiction to them, and most wisely; for who so competent as the bishop, who was constantly watching over his clergy, to sit as judge of their offences? In his opinion, this jurisdiction ought to be transferred to no layman whatsoever. He remembered a case which had occurred some time back, and would probably be in the recollection of the most rev. Prelate, in which he had been called upon to sit as assessor to a right rev. Prelate, upon a clerk who was charged with adultery, the object of the suit being the revocation of his licence to his curacy. Here was a grave inquiry of a criminal nature against a curate; and by whom was it heard? Not by any court—that could not be, but by the bishop. This was an advantage for the clerk. But why should the crimes of the rector be decided in one way, and the crimes of the curate in another way! There ought not to be two methods of trial; questions, by the decision of which a curate might be ruined, ought not, he contended, to be decided in a different way from that adopted in the case of all other clerks. His opinion was, that the bill retained all the mischiefs which were attributed to the present law; still he did not say, that no alteration should be made in the present law. The expenses of proceedings under it ought to be diminished. He remembered a right rev. Prelate having been put, on one occasion, to an enormous expense, in pursuing a criminal clerk to justice. The old constitutional method was, he was convinced, the only way which could be made available for this purpose—he meant the trial before the bishop *in foro domestico*. This would prevent all the heavy expenses of pleadings in the Ecclesiastical Court. The right rev. Prelate who spoke last, seemed to think that much delay would be got rid of by this measure, and he spoke of getting through a trial in a few months. But what was really done as to this by the bill? Only one appeal was saved, that from the bishops' courts to the archbishops' courts; but how did other provisions of the bill make up for this saving? The appeal at present would be from the archbishops' courts to the Judicial Committee of the Privy Council. But under this bill, the cause would go, in the first place, into the archbishop's court; from the archbishop's court an appeal lay to the Privy Council, and there appeals would end. But when the cause got into the archbishop's court, then it would be heard on depositions taken by commissioners previously sent into as many parts of the diocese, and to as many other places as there happened to be witnesses living, who knew anything of the case. Besides the delay thus occasioned, the expense of these commissions would be exceedingly great. Nor was this all, for after all these commissions, the judge of the Ecclesiastical Court might hear the matter over again, or *vivâ voce* evidence, by witnesses brought up from Cornwall, or the most distant places. Still this was not all; for the judge might order an issue to be tried before any going judge of assize, and here, if any evidence should not appear on the judge's notes which ought to have been there, or any other mistake occurred, a new trial might be had. Would any one tell him that this bill would be less expensive, or cause less delay, than the present system? Again, the person who instituted proceedings would be liable to taxed costs, at least, and to whole costs if he were not fortunate. He would be liable also, to enter into recognizances to discharge any damages which the judge might assess, who was likely to become a promoter under this bill? In fact, he was quite satisfied the measure would fall a dead letter, unless the bishops chose to become promoters, as they frequently had become, under the present law, much to their honour. But, however this might be, unless promoters were to be found, there was an end of the bill. There was another point. At present, a clergyman could only be tried in his own diocese, and this, not merely by the regulations of the Church, but by an act of Henry 8th.; this, however, was to be done away with by the bill. Now, he thought this would operate most unjustly and oppressively. There were many cases in which the clergy would submit to any terms almost, rather than enter upon a dispute with a promoter, if such should be found to set the bill in motion. For these reasons, he must declare he could not concur in the measure.

The Bishop of *Gloucester* and *Bristol* said, that, as he had been alluded to pointedly in the course of the debate, he felt it impossible to give a silent vote on this occasion. He thought the measure which they had passed three years ago, though he did not approve of every part of it, was a better measure than that which was now offered to the House. He was not present on the last occasion on which this measure was before the House, but he had seen it stated, that the most rev. Prelate had said, that the former measure was generally disliked among the clergy, from their repugnance to sit in judgment on their brethren. There must be some mistake, he thought, for he had written to all the archdeacons of his diocese, desiring them to ascertain the real sentiments of the clergy generally, but without himself intimating his own opinion, or saying anything which could bias any one, and it turned out that the clergy of his diocese were almost unanimous in favour of that measure, and against the present. He thought that the objections of the Bishop of Exeter had not been answered. The enactments of the bill were opposed to the canons in several particulars. One canon, the 94th he thought, said, that the Dean of Arches shall not summon any person to answer before him who was not within the province of Canterbury; but the bill said, that he must summon every criminous clerk whatever before him. Again, the canons said, that every sentence should be pronounced by the bishop, but the bill said, that every sentence should be pronounced by the Dean of Arches. He thought, with a right rev. Prelate near him, that the bill, instead of diminishing, would rather increase both the delay and the expense attendant on proceedings in the ecclesiastical courts. He was very apprehensive that, while it would not secure justice against the real delinquent, it would be liable to be made an instrument of persecution against innocent persons.

Their Lordships went into Committee, and immediately resumed.

Committee to sit again.

The following Protest was entered by the Bishop of Exeter.

Dissentient—

"1. Because, though the ecclesiastical judges derive their power *in foro exteriori*, even in spiritual matters, from the State, their authority is independent of, and pre-existent to, the sanction of the temporal law, which merely adds temporal consequences to the ecclesiastical censures, the infliction of which is part of the power of the keys, vested in the Church by its divine founder, and exercised by it in the earliest ages. It follows, that the State, though it may refuse to add a civil sanction to the exercise of the spiritual authority, cannot either grant that authority, which does not spring from any human source, or take it away from any one, in whom the divine constitution of the Church has vested it. Consequently, this bill prohibiting in every diocese the exercise of all spiritual jurisdiction, so far as any spiritual censure on a criminous clergyman is concerned, except that of the Court of Arches, doth exceed the power of human law, inasmuch as it affects to deprive bishops of that essential authority and inherent right which appertain to their sacred office by the Word of God; and which they, at their consecration, have promised and vowed that they, by the help of God, will faithfully and duly exercise by correcting and punishing such as be criminous within their respective dioceses.

"This fundamental objection to the bill is not removed by the 26th clause, which professes to 'save any authority over the clergy which bishops may now, according to law, exercise personally and without judicial process;' for judicial process is essential to the due exercise of episcopal authority, which, without it, ceases to be judicial, and must become either arbitrary or utterly ineffective. It is prescribed by the apostle. It was used and practised in the Church for 300 years before Christianity became the religion of any state, or its laws and discipline were enforced by any human government. Its necessity is recognised and asserted by all the soundest and ablest divines of the reformed Church of England, who have written on the nature of the visible Church, by Bishops Jewell, Bilson, Hall, Bramhall, Stillingfleet, Jeremy Taylor, Beveridge, by Hooker, Field, Hammond, and many other luminaries of that age in which theological learning in England was most diligently and most successfully cultivated, not to mention other authorities of the last and the present centuries.

"2. Because, to prohibit judicial process, even in the domestic forum of the bishop, and thereby, as was admitted in debate, to extinguish all episcopal jurisdiction, on the plea that the Church is now protected by the State, is to confound things essentially distinct; it is in effect, however laudably intended, to betray the Church, and to mislead the State. On the one hand, it forbids the exercise of the most sacred rights and duties of those to whom they are committed by the word of God, (being thus an act of direct persecution,) and professes to transfer them to another, whom no human law can empower to exercise them in some of the highest particulars enumerated in the bill. Such are excommunication, deposition, and degradation, judgments which cannot be pronounced by any but those to whom the divine Head of the Church hath committed the keys of his kingdom, and the power to bind and to loose.

"On the other hand, while the bill thus seeks to arm a layman, by authority of Parliament, with that spiritual sword which not the highest lay potentate on earth can wield, it hides from the Sovereign, and from the great council of the nation, that solemn duty which 'He by whom kings reign, and princes decree justice' hath inseparably annexed to Christian magistracy, the duty of upholding and enforcing the essential discipline of his church—a duty which this State, so long as it acknowledges our own apostolic branch of that church, can only discharge by sustaining and strengthening, in all things necessary, the government by bishops, a duty which the sovereigns of this realm have ever hitherto religiously observed, and which the legislature hath repeatedly recognized in its most solemn acts, especially in that great statute of 24 Henry VIII. c. 12, which, most eloquently yet most accurately, sets forth the constitution of this imperial realm, 'governed by one supreme head, under whom a body politic, compact of all sorts and degrees of people, divided in terms and by names of spirituality and temporality, are bound to bear, next to God, a natural and humble obedience.' 'That part of the said body politic called the spirituality, having always been thought, and being also, at this hour, found sufficient and meet of itself, without the intermeddling of any exterior person or persons to administer all such offices and duties as to their rooms spiritual doth appertain.' And again, in those more modern statutes, which are, as it were, the landmarks of the constitution, the 1st William and Mary, c. 6, passed by Mr. Somers and the other enlightened patriots of that day, and embodying the contract between the sovereign and the people in the coronation oath; of which contract the 'preserving the rights and privileges of the bishops and clergy' are a prominent part. And the act of union with Scotland, reciting and confirming as a fundamental article of that union, the act for securing the Church of England, in which it is especially provided that every king or queen, coming to the royal Government of the kingdom of Great Britain, shall take and subscribe an oath that he will maintain, to the utmost of his power, not only 'the doctrine and worship,' but 'the discipline and government of the Church of England.'

"In accordance with this language of the laws, have been the solemn declarations of our most illustrious princes, claiming indeed, as is their due by the laws of God and man, to be over all persons, and in all causes, both spiritual and temporal, supreme; yet disclaiming all authority of ministering God's word, of which the power of the keys, and of binding and loosing is an especial part; in a word, having both the right and the duty to rule all estates and degrees of men committed to their charge by God, and restrain with the civil sword the stubborn and evil-doers.

"3. Because the Dean of the Arches, holding only a limited commission from his Grace the Archbishop of Canterbury, which commission does not extend to the original jurisdiction in any diocese whatsoever, would not have even the semblance of ecclesiastical authority to exercise the powers proposed to be given to him by this bill. Neither can this fundamental defect be supplied by any new and enlarged commission from the archbishop, who hath not himself a right of original jurisdiction (except in cases of nullities) in any other diocese than his own; such right being contrary to the laws of the primitive Church always hitherto held sacred—contrary to a canon of the Council of Nice, acknowledged by the laws both of the Church and State of England to be the first œcumenical council—contrary to the canonical law of England, as expounded even by Lynwood, the highest authority for interpreting that law, himself official principal of the Archbishop of Canterbury of his day, who expressly says, 'the archbishop cannot depute officials to hear causes in the diocese of any of his suffragans. For, as the archbishop himself cannot constitute an official in the diocese of another bishop, neither can he there exercise anything which concerns judicial powers.' Indeed, the assumption by the Archbishop of Canterbury or his officers of original or concurrent jurisdiction in another diocese, hath been repeatedly adjudged in the highest courts of England to be an usurpation, founded solely on his ancient claim of being *Legatus Natus* of the Pope. So that the power which the present bill either recognises as already existing in the Court of Arches, or affects to give to it by its provisions, that court is not competent to exercise, unless the supremacy claimed by the Pope do indeed reside within this Church, in the Archbishop of Canterbury.

"4. Because, by an unprecedented and unprincipled assumption of power, the bill professes to subject the clergy of the province of York, both those of the com-provincial bishops therein, and even those of the archbishop and metropolitan himself of that province, to the jurisdiction of the court of the Archbishop of Canterbury; whereas the province of York, and the jurisdiction of the archbishop and bishops thereof, are as wholly independent of the Archbishop of Canterbury as they are of any prelate in the most remote corner of the Christian world.

"5. Because the only advocate of the bill, who discussed its provisions, admitting in several important particulars that great principles were violated by it, rested its justification solely on the practical benefits sought thereby; thus, in conformity with that fatal policy which has been the bane of our times, proposing to sacrifice, in a matter of this high religious nature, principle to expediency; although the highest authority in the church, by just before declaring that the actual result even of the present most defective state of ecclesiastical discipline is such as admits of little improvement through the operation of law in the general tone of clerical manners, had precluded even the plea of any urgent necessity for making the sacrifice.

"6. Because, on the soundest considerations even of expediency itself, the provisions of the bill are open to just objection, inasmuch as they have a direct tendency to destroy, or most grievously to impair, the wholesome authority of bishops, by making them, instead of judges, to become merely the prosecutors of their clergy, before a lay tribunal; or, it may be, to employ them as executioners of the sentences of that tribunal.

"7. Because, although it may be true that bishops are not likely to be skilled in legal science, they must be more competent than laymen can be expected to be, to decide these questions of ecclesiastical discipline, which, in the exercise of their spiritual jurisdiction, would most commonly come before them. As ecclesiastics they must be most competent to decide whether, and in what degree, the ecclesiastical duties of a clergyman have been violated; more particularly because many things are criminal in a clergyman which in a layman would be merely indecorous, and not always even indecorous; and many things are punishable by the canon law, and the principles of ecclesiastical discipline, to which no principle of temporal law is even applicable. Again, and in a still higher degree, bishops must be more competent than lay-judges to decide in cases where the question relates to the soundness of doctrines taught or sanctioned by a clergyman; especially as the constitution of the church has provided him with an ecclesiastical council to assist him in his decisions; and, meanwhile, he can experience no difficulty in obtaining the best legal advice, enabling him to dispose of questions of law as satisfactorily as any ordinary court.

"8thly and lastly. Because, if this bill shall pass into a law, that most estimable and venerable body of men, the clergy of England and Wales, will be reduced to a worse condition than any other class of her Majesty's subjects, being made liable to answer to charges affecting their highest religious and civil rights, their feelings and characters as men, their functions as Christian ministers, before a remote judicature, which, because it is remote, can never inspire confidence, but will be found, in practice, at once to prevent the prosecution of real delinquency, and to rob calumniated innocence of that best protection, the known characters of the accused and the accusers, as well as of the witnesses by whom the accusation is sustained or repelled."

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HOUSE OF COMMONS,

Tuesday, June 4, 1839.

ELECTIVE FRANCHISE.] Sir *H. Fleetwood* said, the question he was about to bring before the House was one of the most important of those which could possibly affect the elective franchise in this country, and he should confine himself as much as possible to the general reasons which led him to move for leave to bring in the bill which he now was about to describe. If, when he gave notice of the present motion for leave to bring in the bill he proposed, he was satisfied that the representation of counties was not sufficient, he was much more so then, for he had received every day further corroboration of the necessity and the justice of extending the franchise as he proposed. It was a measure based upon sound constitutional principles, and it contained nothing to affect in the slightest degree the most timid who dreaded change in the institutions of the country. He had given notice of his motion on the subject long before the noble Lord, the Member for Stroud, had published his address to his constituents, and it was gratifying to him to find that the sentiments in that pamphlet were in accordance with the views he was now advocating, and echoed them to a great extent on this question. Being accustomed to regard the noble Lord as the leader of the reform party in that House, it was gratifying to him to find that on this point he agreed with the noble Lord, and that the noble Lord by adopting his proposition could extend the franchise to an immense number of persons without militating against the present constitution of the Reform Bill. He held that the question could be entertained without at all affecting the principles of that measure as it was at present constituted. It did not extend the principle of representation, it merely went to confer upon parties, possessing the same qualification and amount of property, the franchise at present enjoyed by others possessing less property to whom it had been given by the Reform Act. His bill extended the right of voting for Members to Parliament to a class of persons in the rural districts superior in intelligence and superior in property to those now enjoying the elective franchise in boroughs. Holding that the Reform Act extended the elective franchise to individuals possessed of a certain qualification in right of property; if the individuals to whom he proposed to extend still further the right of voting, were of a rank above these persons, possessed of a greater amount of property, and of a higher standing in society, he could not be charged with extending the principle of that bill unduly; he only sought to extend its influence to a quarter which had been wholly forgotten. It had been urged that, although the 10*l.* householder might be a fit voter for a town, he had not the proper qualification for a voter for a county constituency. But those to whom he was about to extend the franchise were not persons within the Parliamentary boroughs, but among the remote districts, and in the small towns and villages in which there was no borough representation existing. Looking back at the debates on the Corn-laws, he invariably found that all those persons—all this class to whom he wished to extend the elective franchise—were on every occasion added to the landed interest by the advocates of the Corn-laws in that House, therefore he hoped for the concurrence of those hon. Members in his view of the case, as it was an extension not alone of a benefit to their supporters, but also of a great advantage to themselves. Another objection which would be urged against the measure he proposed was, that it would be apprehended that in large manufacturing districts a great danger might arise that the natural constituency of the country would be entirely swamped by the artificial and factitious constituency created by the great mill-owners. But the vote according to the bill was to be given to the occupant of a house of the clear annual value of 10*l.* alone; which, in itself, would be a sufficient guarantee for its efficacy. If, however, that was deemed a danger, did not the same danger daily occur in small borough towns under the Reform Act, as it stood at present? And yet in some of those towns—in Lancaster, for instance, and others of the towns in that county where manufactures were most numerous, the Members returned to serve in Parliament were Conservatives. In fact it required such expense to create a factitious household franchise, that it would be quite impossible to swamp the natural constituency of any county. A curious fact, as connected with the operation of the Reform Bill in respect to votes for counties, was of daily occurrence in the town which he had the honour to represent. In Preston, the place alluded to, where the population voted on the principle of inhabitancy, and where the low freehold franchise was preserved by the Reform Bill, it was found that persons with small properties, who had a vote for the county from one of these freeholds, had also a vote for the town; while the 10*l.* householders, who were far beyond them in point of property and respectability, had no vote at all, and were wholly unable to exercise the franchise in the county. Yet, notwithstanding this, it might be said, that it would not be fair or right to have a vote for the borough and the county. To this the answer was prompt: the 50*l.* tenant-at-will clause in the Reform Bill conferred a similar power upon persons holding under its provisions. One great difficulty in the case, he admitted, was, that hon. Gentlemen on the other side of the House might think that the constituencies of counties, as at present existing, were perfect for these purposes, and that then hon. Gentlemen might be very unwilling, consequently, to support any measure which would have for its effect the slightest alteration of their construction. But the support which the right hon. Baronet on the other side of the House enjoyed at present, was chiefly derived from Gentlemen who upheld the Corn-laws, and he believed that, if the right hon. Gentleman were in office, and the Corn-laws were made an open question, it would have a most serious effect on his power by reason of the effect which it would have on the return of his supporters in counties. The qualification which he now proposed would, therefore, be of the greatest advantage to the right hon. Baronet and the hon. Gentlemen opposite, as well as to the counties. There were very few places in the rural districts of this country where the rent of a gentleman's house ranged beyond 40*l.* a-year. Therefore the measure was in itself Conservative—of the best character of Conservatism—conservative of intellect, and property, and station in society—and having thereby a direct tendency to the consolidation of the power of the right hon. Gentleman opposite, he did not well perceive how the right hon. Gentleman could refuse it his support. Its effect would be to disperse voters as property and intelligence were dispersed throughout the country, and it would in no wise have the effect of altering or disturbing in any way the provisions of the Reform Bill. He (Sir H. Fleetwood) had endeavoured to confine himself to the points of his case, and, as he stated in the outset of his observations, to limit himself to the general reasons in favour of his proposition. He had endeavoured to point out to the House that, in supporting it, they would not be extending the principle of the Reform Act, or opening a new franchise, but only granting the right of voting to persons who should have had it, and would, but for some oversight in that measure. Hon. Gentlemen opposite ranked the constituency which he proposed to create as among the best defenders and supporters of the soil. No opposition could, therefore, fairly come from that quarter to it. It was argued on his side of the House, by many hon. Members, that the 10*l.* franchise was too high in boroughs; if that argument held good, and he did not mean to controvert it, how much more forcibly would it apply to counties; and, therefore, again, he calculated upon the support of the other side of the House, because the principal effect of his proposition, if acceded to, would be to include in the class of voters clergymen (thus embracing the Church), medical men, and merchants, having villas, or seats, or houses, without the limits of Parliamentary boroughs. If the franchise were extended to those individuals, the noble Lord (Lord J. Russell) near him, nor hon. Gentlemen who sat at the same side of the House, could not say that it was extended beyond the limits of the Reform Act; or that it gave the right of voting to any classes not rightfully comprehended, though, perhaps, as he had already stated, forgotten in that measure. He looked, therefore, for the support of the noble Lord and of those hon. Gentlemen, and he hoped, likewise, to be able to draw from him some indication of the course which he intended to pursue in the future as regarded the Reform Act. He would also beg to call the attention of the noble Lord to the expectation of all Reformers, and Liberals of all classes, of some improvement in the constituencies of counties, the quiescence with which they waited for it, and the ardour with which they wished it; the desire, in short, which was universally felt of extending the benefits of the Reform Bill more widely over the whole country. He was anxious to hear what the noble Lord would say in reference to that subject, as well as in reference to the question before the House. The Reformers of this country were most anxious to carry out the principles of the Reform Act. The hon: Baronet concluded by moving for leave to bring in a bill for extending the qualification of voters for Members of Parliament representing English and Welch counties to the occupier of a house of the clear annual value of 10*l.*, the same as in boroughs.

Lord *John Russell:* The hon. Baronet who has brought forward this motion has stated the reason upon which he founds his motion in a most temperate and judicious manner. He has stated the grounds upon which he thinks the House ought to accede to the motion, both as being consistent with the Reform Bill, and as being an improvement of the present state of the franchise in the counties. There is a part of his argument in which I agree with him, and in which my agreement is well known to the world. I certainly consider that the introduction of the 50*l.* tenant at will clause, carried to the extent of giving the right of voting to the occupant of property in counties, and thereby destroying the ancient tenure of freehold, with the additional disadvantage of placing the limit of the value of the property to 50*l.* was a most injurious and dangerous change in the Reform Bill, and it was one which the Government of that day felt itself bound to oppose. The ground upon which it was argued by a noble Lord, now a Member of the other House of Parliament, both in this House and in the country was, that if it was right to give to a 10*l.* householder the right of voting in towns, then it was very unjust to deprive the 50*l.* occupier in counties of the same right of voting, that it was an obvious partiality in favour of the residents in towns, and an injustice and injury to the agricultural population of the kingdom. If that argument was a good one—I do not think it was—but if it was a good one, undoubtedly it would go to the extent of giving to voters in counties the same right of voting which was held in towns, because in point of character and in point of property and of respectability no one could deny, that the occupier out of the limits of a borough was as fit to exercise the franchise as those living within it. Therefore in bringing down the limit of tenure which those who proposed the Reform Bill intended to keep up, I thought a change was made which would lead, in point of reason, in point of fairness, and perhaps in point of effect, to further changes. However, the Government on that occasion, through Lord Althorp, stated the reasons for objecting to the proposition. Those reasons were not satisfactory to the House, and we were defeated by a considerable majority. The opinion of the Marquess of Chandos prevailed in this House, and was even countenanced and deemed acceptable in the House of Lords. That was a sufficient reason in the opinion of the Government, why the 50*l.* franchise then proposed should be introduced into the Reform Bill. I therefore agree so far with the hon. Baronet, that in point of fairness and of justice if I am asked whether a 10*l.* resident out of the limits of the borough is not as fit to vote as a resident within the limits, I must say decidedly and at once that I think he is. I think it is unfortunate that the 50*l.* tenants were ever introduced into the Reform Bill. I do think so. I certainly do not now wish to deprive them or any of those who enjoy rights under the Reform Bill of the exercise of those rights, but I think it leads very naturally to the motion of the hon. Baronet this night. But now I come to the objections to be made to that motion. The hon. Baronet has himself admitted that the question is of such great importance, that the proposition is so large and so extensive a one—that of introducing a new class of voters—that it cannot be expected that either the Government or the House should entertain it at this time of the Session. But putting aside that objection, which seems to me a sufficient one against the immediate adoption of so great a change, I think likewise that there are very serious and substantial objections to the proposition at whatever period it might be brought forward. The hon. Baronet in the course of his speech, has alluded to some of those objections. He has stated what he thinks to be the inequality which now occurs with respect to voters in boroughs returning Members to Parliament. It would be necessary to revise the distinction made in the Reform Bill, which was intended to provide, that persons holding property in the borough should not, by virtue of the same property, be enabled to vote in the county. That distinction, whether good or bad, wise or unwise, was made in the Reform Bill, and it would be necessary to enter into the whole question on that point. There is likewise a very important question as to what would be the practical effect of such a change with respect to the elections in counties. That is a question with regard to which I am not now able to pronounce an opinion. The inclination of my opinion is, that the electoral body would rather be improved than otherwise by such an addition. But I have not sufficient information to enable me to pronounce a decided opinion upon that point. There is another objection which it is obvious will be taken by persons of various parties who have considered the Reform Bill, and who would look upon this change not merely as an extension of the right of voting—not as an extension directly in conformity with the principles of the Reform Bill, but as an extension going beyond the bill, and as being a new right of voting, not conferred by that act. These are objections that would be made, and are of a sufficiently serious character to induce any government not merely to decline agreeing with the proposition of the hon. Baronet as to voting for his motion now, but to decline giving him any reason to suppose that if brought forward on another day it would meet with their concurrence. The hon. Baronet has said, that he wished to have some explanations from me with regard not merely to his own proposition, but with regard to any proposition of a similar nature. In accordance with his wish, and I think in accordance with the wish of many who have asked me my opinion with respect to certain points, I will first state generally that I think there are three different parties. I do not speak now merely of the common division of political parties, but that there are three different modes of viewing the Reform Act, There are a considerable number, I am sorry to say, who, while adhering to the letter of the Reform Act, and being quite willing in their adherence to every word and syllable of that Act, yet wish to pervert and abuse the spirit of that Act—who wish to prevent persons from having the franchise which is given to them by that Act, and who vexatiously oppose their maintaining that franchise, and who likewise are very forward by means of intimidation and corruption, to prevent them from freely exercising that franchise. With those who thus act I need not say I entirely differ. There are many others who view the Reform Act in another light. I may refer to a letter in the newspapers of this day, written by the hon. and learned Member for Dublin, who takes this view of that measure, and great numbers agree with him; he considers that the Reform Act has been a total failure, and that it is necessary to have a new law, giving the franchise a far more extensive range, and providing for a duration of Parliament extremely short, at the same time, depriving the Crown of the prerogative of dissolution, and adopting also a secret mode of voting, which he and his supporters think would be a protection to the voter. That is a proposal for an entire abandonment of the Reform Act as it at present exists; it is, in short, a proposal for an entirely new system of legislation upon the subject. I need not now discuss the reasons upon which that proposal is founded. The propositions, many of them, I admit, extremely plausible ones—which are put forward by those who advocate that system of legislation, I can only say, are such as I cannot agree with. There is a third system, which consists in taking the Reform Act as a basis, and in saying, that you will introduce into the Reform Act and found upon it, any corrections and improvements which, as a legislative measure, it must necessarily from time to time require. That is the general opinion I entertain with respect to the Reform Act. I cannot deny, that wherever that Act in its provisions is defective, or where by means, not perceived at the time, it has become abused and perverted from the spirit in which it was proposed by Earl Grey, it is expedient and just, and even necessary, to consider what amendments may properly be introduced. Without going into all the questions which may arise upon this subject, I will mention one upon which a bill was introduced by my hon. and learned Friend the Attorney-general several years ago, which has been renewed during several years, and which is now again before the House. With respect to that measure, relating to the registration of voters, it appears to me more and more, year after year, that the vexations incident to the preservation of the franchise are much greater and more extensive, than I could ever have supposed they could have been. I do think, when you have seventy-five barristers going to the different parts of the country, and those very barristers not going to the same counties in different years, but changing their circuits, to decide upon various questions respecting the rights of voters, and when you have a number of persons ready to go to any expense for the purpose of questioning the rights of voters, that it does become a hardship and an injury to the holders of the franchise, which imperatively calls for amendment. I frequently receive letters upon this subject from persons who represent, not their own grievances, but the grievances of others, stating, that it frequently occurs to persons to be obliged to travel many miles, year after year, in order to defend their votes, and that they find, on coming into the registration courts, that there is neither any objection or objector for them to meet. This is a matter not affecting one party only, or the other. It affects all. But if you really mean, that persons having a *bonâ fide* franchise should retain it, you ought to endeavour to do away with this vexatious proceeding. We proposed, two years ago, a plan which, I think, would have been found a very great improvement — that of diminishing the number of revising barristers, and determining that, instead of a fluctuating court, with seventy-five learned gentlemen, there should be only ten or eleven barristers, forming a permanent court, to decide on questions relating to the elective franchise. That bill was rejected by the House of Lords. We proposed another bill, last year, which had not the same efficacy, but which would still have diminished, in some degree, the number of vexatious objections —I mean the proposal to impose costs on the party making such objection. But even that bill was not acceptable to the House of Lords. It was thought necessary by their Lordships to add to it that which we had carefully kept out of view—by the introduction of a clause decidedly in favour of one party on a disputed right of voting. The effect of all this, and of the many observations which have been made to me upon the Registration Bill introduced this year, on my mind has been this:—that although I am certainly not, after several discussions upon the subject with my hon. and learned Friend the Attorney-general, and with my colleagues, prepared to say exactly what should be the details of the remedy, yet I am prepared to say, that we ought altogether to revise the whole system of registration. I am sure it will be necessary both to have a permanent court and a smaller number of revising barristers; and I think it will be necessary to provide, by some means or other—perhaps by giving a longer period for the register to run—that the voter should not be called upon so constantly and perpetually to defend his right, and be subjected so frequently to an expensive and vexatious contest in the court of the revising barrister. In saying I think it a question entirely separate from that which the right hon. Gentleman (Sir R. Peel) discusses in his bill respecting election petitions, I shall be disposed, certainly, not to concur in any motion at present which would place in his bill clauses with respect to any change in the constitution of the courts of the revising barristers. But I think, that Parliament, in another Session, should reconsider the whole subject, and endeavour to form a court with which this House and the country in general might be satisfied. There are other questions which relate not to the mode of registration, but to the mode in which a person obtains a right to have his name placed in the list of voters. We took very great care in the Reform Bill that the voter should not merely have the property which we declared was necessary to give him a vote, but that he should pay sufficient rates and taxes to show that he was a *bonâ fide* holder of the property, to which the Parliament intended to give the franchise. My argument, I confess was, when discussing this measure and imposing these restrictions, that if we impose too severe terms, it would be far more easy to relax that severity, than if we gave the franchise to a class of voters who were not entitled to it, to take away that franchise which had once been given. Experience has convinced me that, with regard to these restrictions, we have gone farther than is at all necessary to insure the respectability of the voter. I think the general principle is the right one; and that the ancient principle of paying scot and lot is a principle to which we ought to adhere; but I do think that you can ascertain the respectability of a person who merely pays rates —which is the interpretation given to the expression of "paying scot and lot," without putting any further restrictions upon him, which only have the effect of depriving many men of the franchise who are clearly entitled to it. It was with that view that I last year introduced a bill, and which was carried through this House, by which the time for paying the rates was changed, and instead of the voter being disfranchised unless he had paid in June or July what was due in April, he should only be liable to disfranchisement if he had not paid in July what was due in the previous October. I think the principle of that bill was a correct one, and I think, moreover, that if you take care that there has been a payment of the poor rates for any number of months, or for a year, you ought not likewise to insist upon the payment of the assessed taxes. That I consider a needless and vexatious system. I find from all I have heard that instead of the right of voting being granted, as was apprehended it might be by those who proposed the Reform Bill, to persons not entitled to it; on the contrary, hundreds of persons who are fully entitled to it do not enjoy it, owing to the manner in which these clauses of the bill are framed. That, therefore, is a matter upon which, I think, we may fairly propose an amendment; and in doing so shall be acting not contrary to the spirit, but in the very spirit in which the Reform Act was made. With respect to other matters of the same kind, as they are not immediately now in question, I do not see that there is any reason to detain the House upon them. I have already stated the general principle upon which I am disposed to go. That general principle is to adopt any amendment in the franchise which is in conformity with the principles of the Reform Act, and in analogy to the general provisions of it; but not to adopt altogether any new scheme of representation. With regard to my general views, it is unnecessary for me to state them now, because I have on several occasions stated them, and have even, perhaps, with some degree of rashness ventured to state my general opinions upon the subject. All I wish now to state is, that not complying with the hon. Baronet's present motion, not giving to that Gentleman any promise that I will at a future period concur in it, at the same time I think he is fairly entitled to ask the consideration of the House upon a question of this kind. It does appear to me a question fairly brought forward, and if you adopt his proposition you will not be introducing any very dangerous innovation; but, at the same time, it is not one to which I, on the part of the Government, can give any concurrence. I do not know that it is necessary for me to enter further into this subject, or to state any thing with regard to my general principles, those being already known to the House and the country.

Mr. *Warburton* thought it might be fairly collected that a very large majority of the people of England, and of the Members sitting on the liberal side of the House, were not satisfied with the representation of the United Kingdom as it now stood. This being the feeling of a large majority of the people, the question was whether the Members sitting on the liberal side of the House, would be satisfied unless the Government were prepared to take the amendment of the Reform Act in hand. If they were convinced that the Government would act upon that feeling, that they would be for measures of progressive Reform, and that as fast as evils and defects were found in the system of representation they would be prepared to propose amendments, he believed that the people and the liberal Members of the House would be willing to leave the amendment with the Government. If they were told that the Government would take the matter into their own hands—though really in what manner he was precisely to interpret the declarations of the noble Lord he felt considerable difficulty to understand; but if the liberal Members were informed that the Government would take the matter in hand, he was persuaded that on his side of the House there was every disposition to forbearance, and to wait for the measures which the Government might think proper to present to them. He did not think the Liberals were at all impatient. They did not wish to press upon the Government in the present state of the Session to produce a measure for all those amendments they considered necessary. Let the Government declare their willingness to correct the defects of the Reform Bill, and without pressing them to produce any measure this session, all that the liberals would ask was that they would throw open their doors to receive suggestions from the Liberal party in the same manner as they did previous to the introduction of the Reform Bill. What he contended against was, that of there being so many separate and unconnected changes proposed at once; whereas, if any Gentleman would examine into the nature of the case, he would find in how close a manner all those different measures hung together. There was the measure of the right hon. Baronet, the Member for Tamworth, who proposed to make a perfectly impartial tribunal for settling all those questions which now came before election committees. That was no doubt a legitimate object; but what he and his Friends complained of was, that it was a detached measure, and did not cure any present defect that arose out of the existing system of trial before election committees. The real question was, how could gentlemen of moderate fortune be induced to become Members of that House? At present it was only necessary for any opponent to present a petition in order to deter persons of moderate income from attempting to obtain seats in Parliament. Now, one mode for correcting this evil would be that of making the registration of voters final. In that case, the greater number of questions which now came before an election committee would be taken out of the record. But if they made the registration of the electors final, was it not necessary they should amend the constitution of the registration court? Was it not necessary, that instead of having, not those seventy-five barristers, as the noble Lord had stated, but those 150 revising barristers which they had at present—to have a limited number of gentlemen with competent salaries, fit to try cases, and upon whose decision the public would place confidence? He took these measures as an example, with a view to show how they were all necessarily connected together, and how impossible it was, if they took them separately, to deal justly with the laws relating to the constitution of the representative system. Therefore it was that he said, with the present state of dissatisfaction among the people, that if the Government were really at the head of the Liberal party, they were bound to do that which the Liberal party called upon them to do—that was, give notice of their intention to propose a bill for amending the Reform Act, which bill should embrace all the objects which he had alluded to, and others to which he had not alluded. If they would do that, instead of the liberal party of the country being depressed and discouraged in spirit, which they now were, the Government would raise their spirits and give courage to the Reform party throughout the United Kingdom, and instead of their being almost afraid to meet a general election, and anticipating discomfiture from so meeting the constituency of the country as it now stood, they would, if spirit and courage were given to them by such an announcement, be the foremost, and as ready as—nay, more ready than the hon. Gentlemen opposite, to meet a general election. But if the matter remained as it now was—if the constituency were left in its present state, then he would say, that he anticipated discomfiture for the liberal party at the next general election; and not only that, but he did believe that at every future general election the Liberal party might expect that their situation would be worse than it now was. "I like (said the hon. Member) to state what my real opinion is. Now, I tell the hon. Gentlemen opposite that the liberal party feel satisfied—and all impartial men will admit they are right—that they are the most numerous. I say, that in the aggregate, they are the most powerful, have the most property, and are the most influential body in the State, and they will not submit permanently to be left in such a position that whenever a general election is to be met they find their situation worse and worse. Therefore, I say, that if the Government whom the liberal party consent to place at their head will not take upon itself to place the liberal party in that position which they contend, from their numbers, their wealth, and their influence, they have a right to hold, then the liberal party, independently of the Government, must act for themselves. The division on the Ballot will show what their strength is. They must, I say, act for themselves, and throw themselves upon the country for support, and take those measures which they think necessary by means without and means within the House for giving supremacy to their opinions." He would then say, that if there was the smallest encouragement on the part of the Government to lead them to believe, that they would take the amendment of the Reform Act under their patronage, there would be the greatest forbearance by the liberal party, both in the House and out of it. The liberal party in the House would be glad to leave the subject in the hands of the Government, if the Government would take it into their hands—if measures like that proposed by the hon. Baronet in the motion then before the House—if measures which the noble Lord admitted to be of a moderate character, like this, were to be fairly considered by the Government—for he (Mr. Warburton) would be satisfied with that. He, for one, fully admitted the force of the argument of the noble Lord, that he had not fully considered the bearings of the measure—that he must have recourse to the statistics of representation to see the effects of the measure; and he thought, that this was a fair argument for the Government taking the suggestions into consideration, and on which to deliberate whether it was fit that they should introduce a bill for the amendment of the Reform Act, and it might be an argument why the hon. Baronet should not press the present motion to a division. If he interpreted the words of the noble Lord right, he individually approved of the present motion, but that the Government could not consent to it. He was glad that so far as his statement went, the noble Lord considered this to be a reasonable proposition to be made. What course the hon. Baronet would take upon this occasion he did not know; but he thought, that it was a very fit occasion for the Members of the liberal party to give vent to their opinions; and after he had heard them, the hon. Baronet would be prepared to state, what course he meant to take with respect to this measure—whether he would divide the House upon it, or whether he would leave it for the consideration of her Majesty's Government. For his own part, he did not ask for any determination on the part of the Government, or for any immediate decision, either upon this or upon any other question, as to the representation of the people; but if they would agree to take into their consideration the amendment of the Reform Act in such parts as they should think it required amendment, he would recommend his hon. Friend to forbear from pressing a measure of this kind in the present Session, but await the production of a bill which he would be glad to hear announced by her Majesty's Government.

Sir *R. Peel* could not concur with the hon. Member for Bridport, that the noble Lord had been ao obscure and so equivocal as the hon. Gentleman had represented. He did understand the noble Lord to say, that in certain respects he was prepared to admit, that alterations in the Reform Bill might advantageously be made. The noble Lord had not left the House or the country in doubt as to the intentions of the Government on this important question. The noble Lord had said, that registration was defective, and that measures ought to be taken to improve the present system; he had said, that instead of having seventy-five barristers, they ought to have a more limited number, that they ought to be more permanent, and that there ought to be a power of appeal. He had understood the noble Lord to make that statement, and how then could the hon Member for Bridport charge him with vagueness and obscurity? Then with respect to the main provisions of the Reform Bill, the noble Lord had said, that he was willing that some relief should be given, that some alteration should be made in the rate-paying clauses, and he had also stated, that if there was a satisfactory payment of poor-rates, there might then be some relief afforded as to the payment of taxes. Such was the construction which he had put upon the statement of the noble Lord, and if he were right in his conclusions, then the hon. Member for Bridport was too late in calling for a declaration on the subject of reform from the Government, and it was unfair to charge the noble Lord with obscurity or vagueness. He had taken down the words of the noble Lord. The noble Lord had stated, that the hon. Baronet was very fairly entitled to bring this subject under the consideration of the House; but the noble Lord had added, that the proposition of the hon. Baronet was one on which, neither on his own part, nor on the part of the Government could he give a pledge, that it would be supported by her Majesty's Ministers. The noble Lord had said, that he could not now promise the support of the Government to the proposition of the hon. Baronet, and that he could not hold out any expectation of support for that proposition either now or at a future period. Was it possible, then, that the hon. Member for Bridport could charge the noble Lord with being vague and obscure? For himself, he could not doubt, that the noble Lord had made up his mind to resist the proposition of the hon. Baronet—he could not doubt, that he should that night have the satisfaction of voting with the noble Lord in opposition to this attempt to break in upon the principle of the Reform Bill. But, whatever the noble Lord might do, it was his intention to resist the proposition of the hon. Baronet, and to offer it every opposition in his power. In forming that resolution he was confirmed in the course he intended to follow by the arguments which had been advanced by the hon. Baronet who had brought forward the motion. The hon. Baronet had said, that the 10*l.* householders out of boroughs were as respectable and as well entitled to a vote as the 10*l.* householders within boroughs. All he could say was, that such was not the principle of the Reform Bill; and he therefore felt, that to admit the proposition of the hon. Baronet would be a departure from the principle of that bill, and in direct opposition to the finality of that great constitutional settlement of the representation. If it were a fair principle that the 10*l.* householders out of boroughs were as well entitled to votes as the 10*l.* householders within boroughs, then it followed that the 40*s.* freeholders in boroughs were as well entitled to a vote for boroughs as the present constituency. The one argument was as good as the other, and the consequence of pushing such a principle to extremity would be to abolish all distinction, to give every one votes, to place every one upon the same footing as regarded respectability, and to hold all equally capable of exercising the franchise. It was true the noble Lord had said, that the introduction of the 50*l.* tenants in counties had made a difference in this respect, but he could not concur with the noble Lord in that opinion, for he could see no difference. But if the introduction of the 50*l.* tenants had made a difference, that difference ought to have been stated when the Reform Bill was under consideration, and arrangements ought in consequence to have been made for the future. They were told at the time the Reform Bill was considered, that it was a most extensive measure, and it was admitted, that in a country like this, with such complicated interests, such an experiment could not be made without danger, and it was distinctly declared that it was made extensive in order that it might be considered as a final settlement. He held that measure as a final settlement, and it was upon the ground that it was final that he would now resist the motion of the hon. Baronet. The noble Lord had divided the politicians of the country into three classes. The first class, according to the noble Lord, consisted of those who advocated the Reform Bill, but who were favourable to improvement. The second class was composed of those who were entirely dissatisfied with the Reform Bill, and who were anxious to push reform to extremes; while the third class, according to the noble Lord, was made up of those who, adhering to the strict letter of the Reform Bill, wished to deprive the people of the rights which they had obtained by corruption and intimidation. Now, he must disclaim belonging to any of these classes. He was for maintaining the spirit of the Reform Bill. He looked upon that measure as a great constitutional settlement, upon the principle of which he would resist every attempt at innovation; but he was not disposed to deprive the people of the rights which that measure secured for them, and he abominated intimidation and corruption by whomsoever they might be practised. He belonged, therefore, to neither of the classes mentioned by the noble Lord. There was a fourth class, then, and it was composed of those who adopted the Reform Bill as a constitutional settlement, who looked upon it as a final measure, as final as any such settlement could ever be. He was willing to accept the Reform Bill in the spirit in which it had been advocated by Lord Grey and by Lord Althorp, and with every wish to see it carried fairly and honestly into operation, and he detested the system as much as any one could, which attempted to deter the constituency from exercising the franchise by the abominable means of intimidation and corruption. He was anxious to see the Reform Bill and its provisions respected by all parties—to see the constituency which it created fairly exercising the rights they had acquired, and it was because he felt that anxiety, and because he looked on the Reform Bill as a settlement of a great constitutional question, that he was disposed to resist every attempt to break in upon its principle. The hon. Member for Bridport had asked the noble Lord to give the liberals some vague assurance of his intentions in regard to the Reform Bill, and had charged the noble Lord with obscurity. He, on the contrary, considered that the noble Lord had been perfectly explicit, and he would add that the advice of the hon. Member for Bridport ought to be rejected by a constitutional minister, whose duty it was to hold out no vague promises to the country which could never be productive of any good, and which were only calculated to mislead and to bewilder the public. And what was the motive for the advice which the hon. Member had tendered to the noble Lord? Did he ask for a vague declaration with a view to improvement? No; such was not the object of the hon. Gentleman. He sought for that declaration from no more exalted motive than to enable the liberal party to regain the influence which they had lost. If the hon. Member for Bridport was the representative of the liberal party, he was not at no loss to comprehend the cause why they had lost the support of the people. If such were the principles of the hon. Gentleman, if such was the advice he gave on a great constitutional question, those were sufficient reasons why the liberal party had lost the confidence of the people, those were the reasons why they were afraid to face their constituents upon the hustings. The noble Lord ought to make no vague declarations. It was the duty of a Government to be explicit, and if that Government considered alterations necessary, then the changes ought to be immediate, and not put off by obscure and unsatisfactory declarations, to be acted upon at some future and uncertain period. He protested against the system of transacting business which he saw a growing inclination to adopt, by making vague declarations of intentions to be carried into operation at some future time. It was the duty of a Government to mature its measures before making any declaration in regard to them, and when they were prepared, to bring them forward and submit them to the consideration of the Legislature. In the first instance, the executive ought to hold itself responsible for public measures, and until such time as the opinion of Parliament was pronounced upon them; but the plan adopted of asking for a decision by the Legislature upon vague generalities, which were afterwards to be acted upon, or perhaps abandoned, had the effect of making Parliament share the responsibility which ought to be borne by the Government alone. Such a system was calculated only to generate expectations which could never, perhaps, be realized and to produce dissatisfaction and discontent, while nothing could tend more than such a course to lower the character of that House in the estimation of the country. Such was the inevitable effect of asking Parliament to share the responsibility which ought to be borne alone by the Government. It rendered perplexed and confused the relations in which Government and the Legislature stood towards each other. The hon. Member for Bridport wished to ask the Houses of Parliament to give a vague pledge as to what they might do in some future Session. Let him ask that hon. Member if he would be contented with a vague pledge if it was not to be acted upon till 1842? Would that satisfy him? If it did, any Gentleman more easily satisfied he could not imagine. The hon. Member asked not for reform, not for legislation, but for a vague declaration which would enable him and his party to face the hustings. If the liberals had lost the confidence of the people, such was not the way to regain it. If they had lost the confidence of the people, he would say let them seek to regain it by a manly and straightforward course of proceeding, and not by asking for vague declarations, calculated only to bewilder and mislead. They could give no satisfaction by such measures as that which was proposed by the hon. Baronet. The extension of 10*l.* qualifications to tenants out of boroughs would not be more final than the qualification of the Reform Bill. Then, if they were persuaded that such would be the case, why did not hon. Gentlemen avow their conviction in an open and manly manner? While Gentlemen opposite invited the Government to give a vague declaration on the proposition which had been made, they were obliged to admit by their cheers that a 10*l.* qualification to tenants out of boroughs was but a stepping-stone to something more. If that were granted, he well knew that the unrepresented classes in the large cities would then be enabled to press their claims with tenfold force. The shopocracy, as the tradesmen had been termed, with the medical profession and lawyers would be ill able to oppose those who were unrepresented, if it was once admitted that a new qualification was to be allowed. He had the admission of hon. Gentlemen opposite that the proposition of the hon. Baronet was of no value, but as a foundation for something else, and for that reason he would oppose it; for, if change were once admitted, he could see no end of change. But the hon. Gentleman said that if the Government did not yield, they would appeal to the country. But had they formerly forborne to press their own views upon the Government? No; they had on every occasion, on every opportunity, opposed the Government, and advocated their own peculiar views. But what was the meaning of the hon. Gentleman? He said that if the Government yielded to his wishes, the liberal party would forbear pressing their own views. He had given that party credit for more manliness than the declaration of the hon. Gentleman manifested, [" *No, no*"], and if the hon. Gentleman was the representative of that party, he could not wonder that they had lost the confidence of the people. Well, then, the hon. Member disclaimed being the representative of the liberal party, and that dissent had been confirmed by the hon. Gentleman's Friends. As the hon. Gentleman had acknowledged that he sought for Reform only in order to enable the Liberal party to face their constituents upon the hustings, that he was favourable to the proposition of the hon. Baronet, merely because he looked upon such inroads upon the Reform Act as a means of regaining the confidence of the people, and as it had been allowed that the measure under consideration would not be productive of satisfaction, but would, on the contrary, be viewed as a stepping-stone to something else, as an imperfect concession, and as an inducement to demand more and greater innovations on the great constitutional settlement of the representative system, he thought it was unnecessary to say more to induce the House to reject a proposition calculated to lead to such consequences. He was inclined in a fair spirit to adhere to the Reform Bill. He wished to see that measure carried out in a fair spirit. He wished to see a distinction made between the registration and the rate-paying clauses, and the former improved. He was convinced that by such improvements they would advance the interests of the country. He was convinced if, instead of seeking for a new system of representation, they made improvements where they were necessary, and attempted in a fair and candid spirit to carry out the Reform Bill, and thus show that they were qualified to discharge their duties as the representatives of the people, they would more surely obtain the confidence and respect of the country than by the adoption of vague and visionary schemes.

Mr. *Harvey* said, that in the suggestion of the hon. Member for Bridport—that it was desirable upon the present occasion that those hon. Members who took a large and deep interest in the cause of Parliamentary Reform, should embrace the present opportunity of expressing their candid and unrestrained sentiments—he fully agreed. It was not only due to themselves, to their constituents, and to the country, but also to the Government. He confessed that he did not enter into those feelings of surprise or of disappointment intimated by his hon. Friend the Member for Bridport, at a speech containing declarations so clearly and so unequivocally made as were those of the noble Lord. They entirely coincided with his expectations. It was true that during the last month he could scarcely meet a person who either was or wished to be a politician, who had not some secret and undefined expectation that the Government would be prepared to outstrip the most liberal anticipations of their supporters, and who had misapprehended any doubts which were expressed that the Government was not prepared to make any considerable advances in the cause of what was called Parliamentary Reform. But however strong those expectations might have been, and on whatever basis they had been raised, he had never expected any other declaration than that which had been so clearly, so unequivocally, and he would add, so manfully and so openly made by the noble Lord. He was still eager for further and great reforms, and he would remain consistent to the last as the advocate of them. He was pleased, therefore, to find that the noble Lord went to no inconsiderable extent in his wishes to carry out further the principles of the Reform Act, but he would have regretted, after the noble Lord's reiterated opinion delivered in that House and recorded in his address to the electors of Stroud, if for any party purpose he had bent his opinions, or had endeavoured to countenance an idea that to purchase a truce from hostility he would make a partial change in his opinions. If, therefore, he voted for the motion of the hon. Baronet, it would only be for the purpose of showing that he was one of those who was anxious for further progress in the path of reform, however slow that progress might be. For himself, he thought it was undesirable to be constantly dabbling in these constitutional suggestions, in this little ware of reform; he would be glad to see the Government giving a title to a bill, and to call it a bill "to reform the Reform Act," he would be glad to see such a title with the objects distinctly stated, and the details so considered that it might be, as far as it could, both ample and final. But till this was done he thought it better that the time of the House should not be wasted, and that expectations should not be held out, to the real postponement of valuable measures of legislation, unless the Government were prepared to introduce a measure such as that to which he had alluded. His hon. Friend would allow him to say that they would not excite the feeling of the country upon this, and he assured him that a restricted measure like the present would not be satisfactory to the country. Those who advocate reforms in the towns would not respect this suggestion. He thought that there should be a large extension of the suffrage, that there should also be a limitation of the duration of Parliament, and that some provision should be made, whether by the ballot or by the imposition of penalties, against intimidation and corruption. And here let him observe, that he had hoped that the right hon. Baronet would not have been contented with stating in such clear language, his hostility to all intimidation or corruption, but that he would also have stated his promptness and his readiness to apply a remedy to the great and growing evils which he had condemned. If the right hon. Baronet had said that, he would have said he was the representative of a better government, and a better Reformer than he now found on the Treasury benches, and he had hoped to have gathered from the hon. Baronet's hostility to intimidation which now existed, and to the corruption that now prevailed to so large an extent, that he would have been prepared to adopt the ballot if no other or better remedy could be suggested, and that he would not have been contented with the vague deduction which was intended to produce the opinion that he was in favour of a reformation of the corruption which was so rife, and of the intimidation which was so awful on a recent occasion. There was another point on which he was anxious to express an opinion. He was not one of those who considered that without reform they were incapable of proceeding with objects of useful legislation—quite otherwise; for though he was a decided advocate for such objects, yet he believed that the House did contain within itself the elements of sound legislation. He did not conceal his decided conviction, there or elsewhere, that the people themselves — that is, the constituent body — had much to do before they might or could be highly improved in their notions of their political obligations; because, though he was aware that there were some small places which ought not to send Members to that House, and that there were temptations which made the voters often strike a balance between their personal and their political interests—temptations so powerful that it was an appeal to the moral sense too strong for their resistance, yet he did maintain, that in all towns the constituency of which amounted to 1,000 there was in that body an ample power, a numerical strength, sufficient to protect its own virtue, provided there was a disposition. He could run over many constituencies in his memory, but he would refer to one town which he had had the honour to represent for many years. There were 1,200 electors and upwards in the town of Colchester. Why was it that those electors, many of them opulent men, and all, perhaps, well to do, could not send Reformers to that House? Because those 1,200 were not friends to Reform, but to Conservatism. He would not let constituencies run away with the idea that they had nothing to do because that House, or rather some persons in that House, entertained large speculative views of Reform; for those speculations led to no practical result, and nothing was done beyond the delivery of some needless speeches. But it was desirable and essentially necessary that some steps should be taken by which a Government should be formed which should conciliate and secure such a majority in that House as would carry out useful measures. He saw but little difference between those who occupied the Opposition benches and those on the Ministerial benches, for he found that nearly on all great questions, whatever difference there was between them, it was rather in the mode of expressing their opinions than in anything else, and that they pretty nearly came to the same conclusions; therefore he hoped that some experiment would be made by those country Gentlemen who were in the habit in past times of taking part in such grave matters, and that they would take means to address her Majesty, praying her Majesty to appoint such Ministers as should have the confidence of that House. In his judgment he conceived that such a Ministry might be formed, for the two parties had nothing else to do than to weed their respective forces of what might be called the dead timber—that on the one side they should cut off those who were so extreme in their opinions, and on the other side they should get rid of those who were so unmanageable, and then he thought a Government might be formed which would be capable of carrying out many useful measures. He did not say this because his attachment to Reform, or his conviction of its desirableness, was impaired, but he thought it far better to leave the principles of Reform to work their own way, until some important and definite expression of the public mind should be obtained for their guidance, than to waste the public time in descanting upon minor points and suggestions, which could only irritate the public mind, without doing any essential service to the cause of good legislation.

Mr. *Hume* quite concurred with the right hon. Baronet that there was no mistake this time. The noble Lord had spoken out manfully, and stated opinions which were very unpalatable to many who formerly supported him. He had distinctly told the House that whatever might be done in the way of Reform nothing was to be expected from him—for the present at least. He deeply regretted the announcement of the noble Lord, and could not place much dependence on his assurance of what might perhaps be done in some future Session, but when that Session, as the right hon. Baronet had observed, in reference to another question, would arrive, they did not know? What he had wished to hear, and what he had expected, was an expression not of the noble Lord's opinion merely, but of the whole of his colleagues, and their declaration whether they meant to do anything, or what they meant to do, not prospectively, but immediately. They had been told elsewhere that progressive Reform was the principle on which the present Government were to proceed; and he had expected that by this time they would have been prepared to state the extent and degree of that progressive Reform which they had promised the country they would carry out. The right hon. Baronet had very truly declared, that the speech of the noble Lord had fixed the finality of the Reform Bill as strongly as anything that could fall from his lips. He concurred with that view of the noble Lord's speech, but he could not bring his mind to the belief that a coalition would take place; he had a better opinion of both parties in that House. They had hitherto acted honestly in the maintenance of their peculiar opinions, and he believed they would act so still. The time was not come when hon. Gentlemen opposite would join the noble Lord in carrying out their own party purposes, regardless of their former pledges. But he would pass over that, and ask his hon. Friend if he really thought he was correct in stating that a majority of the electors was against Reform? If it were the case, that would be one of the strongest inducements to the Government to increase and extend the franchise. It would be so, because if the Government wished to carry good measures it must be supported, and could only be supported, by the popular voice. At the present moment there was not one male of full age in five, who had a vote, or not one in seven, and was it wonderful then to find that the working classes and others who were excluded from the franchise should be anxious to send men into the House who would better represent their feelings, and endeavour to procure an amelioration of their condition? The addresses that had been recently presented to the Queen showed that the people were of opinion that no men should remain in office but men who were prepared to carry out progressive measures of Reform. He was one who thought that the people were generally dissatisfied with their representatives in that House, and that they were anxious to see, not rapid, hasty, or extensive reforms adopted at once, but that they wished and expected that her Majesty's Government, wherever they found faults and abuses existing, would proceed to remove them, and not put off the necessary reforms from session to session. But when the noble Lord or any Minister admitted such grievances to exist under the Reform Bill as he had admitted, was it fair to expect that the people would be satisfied to see him contentedly and quietly putting the matter by, and unwilling to apply the remedy which he himself thought ought to be applied? He thought the time was come when it should be clearly understood what it was the Reformers wanted and the people required. It would be his duty, and that of his hon. Friends around him, at all times to express their opinions openly and distinctly, and he had no hesitation in saying, that it was the duty of her Majesty's Ministers to give a fair scope for the discussion of the whole question of reform to every Member of that House, and every man in the country. Her Majesty's Ministers ought not to interfere to prevent the question of the Ballot being freely discussed; official connexion with the Government ought not to prevent men in that House from having an opportunity for expressing their opinions on that subject; neither should this be the case with regard to the extension of the suffrage, triennial Parliaments, or any other measures of the like kind. He did not believe, that the right hon. Baronet would be able long to resist those questions. He could only say, that the country would be as much grieved as he had been at the declaration of her Majesty's Ministers, and he was certain, that they would find it very difficult to maintain the position they had assumed. Yet it was better, that they should thus speak, than that the country should be any longer deluded. He hoped, that the question before the House would come to a vote, for the purpose of showing the people who were disposed to support further reforms and who were not.

Mr. *Ward* said, that he thought, that the declaration of the noble Lord was fully justified by many events. The noble Lord said, that his opinions had been frequently misunderstood by some, and misrepresented by other persons; but all doubts were now cleared up by the speech of the right hon. Baronet opposite. He deeply regretted the determination to which the noble Lord had come; but he would fully admit the honesty and candour which he had exhibited, and the perfect right which he had to announce the opinions in that House which he professed; but all that he denied was, the possibility of holding together a party composed of men, two-thirds of whom passed far beyond the line which had been laid down for them by the declaration of that opinion. He thought, that this was a question which was to decide the fate of the struggle between the two parties, and he believed, that hon. Members must be ready to go to the country prepared with a full explanation of their own views, and without the least reference to those who held the reins of Government. He begged to express his intention to vote for the motion of the hon. Baronet, because he believed it to be unexceptionable in itself, and that no good objection could be made by the Ministers to extending the franchise to a most deserving class of people, who were perfectly qualified to receive it. He gave his vote upon the merits of the question, and he begged to make this profession of his political creed, that it was his determination to extend the franchise, whether that policy might suit or not those who happened to be at the head of the Government. He knew how impatient the House would be, and he would not detain them by any further observations; but he could not help remarking, that if the decision of this question should ultimately lead to the fusion of parties not accustomed to act together, as had been suggested by the hon. Member for Southwark, the matter would in his opinion in reality resolve itself into a mere question of speaking on one side of the House or on the other. If the Reform Act was to be a final measure, with the exception of the amendments in detail which had been alluded to, and was to be the basis of the new Conservative party, he could not see objection to its formation on the score only of the parties who were to form it having hitherto acted in opposition to one another. The motion involved a principle and an effect more important than he had at first believed to belong to it, and he sincerely trusted, that the hon. Baronet would not shrink from a decision being arrived at upon it.

Mr. *Wakley* would only detain the House a very short time, but he thought he should not do justice to his own feelings if he remained entirely silent after what had passed. First of all, he was induced to ask for what purpose the noble Lord and his colleagues had taken office again? He should like very much to have that question answered frankly and distinctly, but he feared, that unless he applied to two great ladies, not very far distant from that place, he should have no frank, candid answer, not one at least that would satisfy his mind. In adopting the course which they had taken, however, he had no hesitation in saying, that they were trifling with the feelings of the people of this empire, and were pursuing a course unprecedented in the history of this country; and the question which he should ask he was the more provoked to put, not on account of the speech of the noble Lord here only, but in consequence of the speech of a noble Lord elsewhere on Friday night last. It was a good Tory speech, fit for the old times of Toryism; and in fact, if he had read such a speech as having been made by Lord Eldon in 1818, he should not have looked twice to see whether he had mistaken the name of the person by whom it was delivered. The noble Lord had said, that he hoped that the constitution, as it now stood, would work well in times of trouble and danger; and he said, that the opinion of some of the most experienced politicians of Europe was, that it might not, and that if it worked well in fair weather, when breakers appeared and a storm was bursting over the ship, it might fail, the pilot might lose the helm, and the vessel might become a wreck. If, then, this was the opinion of the Prime Minister, and that there might be danger in going forward with the principles of reform, why was he again at the helm, why had he again entered the vessel of the state? Why had he again taken that post when he had before declared, that he could not hold it with the approbation of his shipmates. Was it possible that the Ministers could continue in office, if their only means of retaining it was the pursuit of the same course which they before adopted? He was not one of those who would desire that the noble Lord should attempt to obtain support by making promises which he intended never to fulfil. He gave him credit for the candour of his declaration; but he had expected that after the speech of the right hon. Baronet, some hon. Member on the Treasury Bench would have risen in his place, and have said, that the right hon. Baronet had gone too far in binding the noble Lord down so closely. He had expected to hear the noble Lord say, "get up, for I did not say so—he is binding me down too fast." The right hon. Baronet, however, knew the opportunity which he had for displaying his powers: he spoke with glee and delight, and he said to himself that he had got the noble Lord into a net, and he dragged him backwards and forwards through the water until he almost drowned him—until, indeed, he was almost ready for an inquest to be held. There was not a single Member of the Government, however, to rise in his place, and say that the right hon. Baronet in any respect misinterpreted a single word of what fell from the noble Lord. Then what had they to expect from the noble Lord? Nothing. That was all; and he was not disappointed. He had got what he expected, and no more. With reference to a recent transaction which had taken place at the palace, he begged to say that he approved of the conduct of Ministers in taking office, and he thought that they would have been wanting in their duty to the Crown and to the people if they had neglected to make themselves responsible for the act of her Majesty. The speech of that evening necessarily carried him back to that event. He regretted that an occasion of such a momentous character had been allowed to pass off in mere empty words and speeches in the House, and he regretted most deeply that it had not been recorded in the journals of the House. It was a maxim of the Tory party, and of the constitutional authorities of that party, that the Crown could do no wrong. If so, the right hon. Baronet could not deny that he was in the wrong. He thought that it was fair to put such an interpretation on his conduct, and on his own opinion in reference to the matter. But should the Ministers when they took office have ended there? They should have gone on and said—"We know why we lost office, and we will have a vote of this House on the subject, and we will present that vote to the Crown." Was anything of that sort done then? There was not. He was an advocate for the monarchy and for monarchial institutions, and desired to see them maintained and upheld, and he rejoiced in what had been done by her Majesty, and in what had occurred with respect to the right hon. Baronet, because it showed them what were the peculiar qualifications of Toryism in these days. The Tories had, in fact, lost none of their grasping powers. The right hon. Baronet said in his own mind (he knew this was the kind of soliloquy which he held)—"Now, these foolish Whigs have thrown the ball into my hands, and I will use it to some purpose; and if I only act cautiously, I know that the Civil-list and all the powers of the Crown will be at my disposal." That was the common sense of what he thought. Her Majesty, however, was courageous and prudent, and acted in a manner which every Englishman must admire and esteem. She said, "I know my duty to the country, and I know that it requires me to give you full powers with respect to the construction of a Ministry. I am bound to obey the House of Commons, seeing that the constitution tells me that it is the representation of the people," but when the right hon. Baronet demanded of her her Friends—["*Question!*"] It was unpleasant to hear this, and if they would only be patient, they would not hear much more. The right hon. Baronet, however, having demanded that he should have the power of dismissing the females of her Majesty's establishment, she said, "No, I have personal rights which are consistent with the maintenance of the prerogative of the Crown, and not one of them will I part with." The right hon. Baronet, upon his principle, must approve of the decision to which her Majesty came; and if the Queen had reason now to rejoice at her Ministers having gone into office again, he asked how long her pleasurable sensations were likely to continue. From what they had heard to-night, it might be supposed that her friends had forsaken her, and that she was about to become the royal captive of the Tory party. It was with shame, vexation, and sorrow, that he saw the course of the Ministry. He told them that their fate was now sealed, and it was evident to him that in case of a general election the Tory party would gain a majority of sixty or seventy Members. He believed that the fact would prove the truth of what he asserted. He did not entertain a doubt on the subject, and it would be solely attributable to the stupid course pursued by Government. It was most unfortunate that that course should have been pursued, because he thought that nothing would be more likely to secure the interests of the country than the faithful representation of the people. The right hon. Baronet said, that he hated bribery and corruption in any shape; but was there any man in the kingdom who lived out of a lunatic asylum, who could believe that the Tory party generally disliked intimidation and corruption ["*Oh, oh!*"] They groaned at him; he was glad to hear it. It showed the workings of a troubled conscience. If they were not afraid of the honest maintenance of public opinion, if they were not opposed to the candid opinions of every voter being declared, why not give the electors the only mode of manifesting those opinions, why not give them the ballot? He wished, however, that the motion of the hon. Baronet might be carried first, with others of the same kind. Let there be constitutional modes of voting established, and he would not object to their having the ballot; but he knew that in small boroughs, which belonged to the two great parties, the ballot would be as decided a shield to bribery as it would be for fair voting in general. Whatever might be the end of this motion, however, he was satisfied that at no distant period the country would demand that her interests should be attended to, and her rights granted; and whatever the powers of the House might be, they would be unable to resist the demands of the people of the United Kingdom.

Mr. *Slaney* said, he had heard with great satisfaction the declaration of the noble Lord. From the earliest period he (Mr. Slaney) had voted for reform, and in his honest opinion, he believed the noble Lord had done himself honour by the way in which he had spoken on this question. After having voted with the noble Lord for along time, it would have been with deep regret had he been obliged conscientiously to vote against him. After a final settlement had been made of the great question of reform, when concessions had been made by public men, he regretted to see endeavours made to unsettle the Reform Act. He was glad to see, that the present Ministry were not forgetful of the best interests of the country, and were not disposed to break down this great measure for the sake of retaining office. He believed, that the great majority of the country was satisfied with the system of reform as it now stood, with those alterations and changes which the noble Lord would not be unwilling to grant. He looked for nothing personal from any government, but he declared honestly in his place, that he thought the noble Lord had done himself the greatest credit by the manly and straightforward declaration he had made, in spite of the censure to which it would expose him.

Mr. *Phillip Howard* said, if this concession were made to the county voters, without likewise extending a concession to the voters in towns, no permanent satisfaction would be derived. During the long progress of the Reform Bill he had voted with the noble Lord (Lord J. Russell), and he then heard, that "the bill, the whole bill, and nothing but the bill" was acceptable to the country. If there were no other reason for inducing him to stand by the noble Lord on this occasion, he should find it in this, that he coveted not the ignominy of deserting his Friends.

Sir *H. Fleetwood* said, it would have been his wish if he had it in his power, seeing the feeling of the House, to withdraw his motion; but he felt when a Member had given notice of a motion, it was his duty to come to a discussion of it. He was anxious to withdraw the motion. If, however, they went to a division, he thought it but fair and right to put a statement right which had been misinterpreted on the part of the noble Lord (Lord J. Russell). He certainly understood the noble Lord to say, that the noble Lord's opinions coincided with his own on the present motion, but that in the present Session he could give it no support, and could not promise to give any support to the motion at any future Session; but he was satisfied he was not led to consider, that the noble Lord would pledge himself to oppose it on any future occasion.

The House divided:—Ayes 81; Noes 207: Majority 126.

List of the AYES.

Aglionby, H. A.
Aglionby, Major
Archbold, R.
Baines, E.
Barnard, E. G.
Barry, G. S.
Bellew, R. M.
Bewes, T.
Blake, M. J.
Blake, W. J.
Bridgeman, H.
Brotherton, J.
Buller, C.
Bulwer, Sir L.
Butler, hon. Colonel
Callaghan, D.
Chalmers, P.
Chapman, Sir M. L.
Clay, W.
Collier, J.
Currie, R.
Curry, Mr. Sergeant
D'Eyncourt, C. T.
Duke, Sir J.
Ellice, E.
Etwall, R.
Evans, Sir De L.
Evans, G.
Evans, W.
Ewart, W.
Finch, F.
Gillon, W. D.
Grattan, H.
Grote, G.
Hall, Sir B.
Harvey, D. W.
Hastie, A.
Hawes, B.
Hawkins, J. H.
Hector, C. J.
Horsman, E.
Hume, J.
James, W.
Jervis, J.
Johnson, General
Lambton, H.
Langdale, hon. C.
Leader, J. T.
Lushington, C.
Lushington, Sir S.
Marsland, H.
Molesworth, W.
Norreys, Sir D. J.
O'Connell, D.
Ord, W.
Parrott, J.
Philips, M.
Protheroe, E.
Ramsbottom, J.
Roche, W.
Rundle, J.
Scholefield, J.
Sheil, R. L.
Steuart, Lord J.
Stock, Dr.
Strickland, Sir G.
Strutt, E.
Style, Sir C.
Thornely, T.
Turner, E.
Vigors, N. A.
Wakley, T.
Walker, R.
Wallace, R.
Warburton, H.
Ward, H. G.

White, A.
White, S.
Wilbraham, G.
Williams, W.
Winnington, H. J.

TELLERS.

Fleetwood, Sir H.
Duncombe, T.

List of the NOES.

Acland, Sir T. D.
Acland, T. D.
A'Court, Captain
Alston, R.
Arbuthnot, hon. H.
Ashley, Lord
Bagot, hon. W.
Bailey, J.
Bailey, J. jun.
Baillie, Colonel
Baker, E.
Baring, F. T.
Baring, H. B.
Baring, hon. W. B.
Barneby, J.
Barrington, Visct.
Bateson, Sir R.
Bell, M.
Blackstone, W. S.
Blakemore, R.
Blennerhassett, A.
Bowes, J.
Bramston, T. W.
Briscoe, J. I.
Broadley, H.
Brownrigg, S.
Buller, Sir J. Y.
Burroughes, H. N.
Busfeild, W.
Calcraft, J. H.
Castlereagh, Visct.
Cavendish, hon. C.
Cavendish, hon. G.
Cayley, E. S.
Chetwynd, Major
Christopher, R. A.
Clerk, Sir C.
Codrington, C. W
Colquhoun, J. C.
Compton, H. C.
Coote, Sir C. H.
Corry, hon. H.
Courtenay, P.
Crawley, S.
Cripps, J.
Dalrymple, Sir A.
Darby, G.
Darlington, Earl of
De Horsey, S. H.
D'Israeli, B.
Douglas, Sir C. E.
Dowdeswell, W.
Duffield, T.
Dugdale, W. S.
Dunbar, G.
Duncombe, hon. W.
Dungannon, Visc.
Du Pre, G.
Eastnor, Visc.
Egerton, W. T.
Ellis, J.
Erle, W.
Estcourt, T.
Farnham, E. B.
Feilden, W.
Fellowes, E.
Ferguson, Sir R. A.
Filmer, Sir E.
Fitzroy, hon. H.
Fleming, J.
Forester, hon. G.
Fremantle, Sir T.
Gaskell, J. Milnes
Gladstone, W. E.
Glynne, Sir S. R.
Godson, R.
Gordon, hon. Capt.
Gore, O. J. R.
Goulburn, rt. hon. H.
Graham, rt. hon. Sir J.
Grant, F. W.
Greene, T.
Grey, Sir C.
Hale, R. B.
Halford, H.
Harcourt, G. G.
Hardinge, Sir H.
Harland, W. C.
Hayes, Sir E.
Heathcote, Sir W.
Heathcote, G. J.
Heneage, G. W.
Henniker, Lord
Hepburn, Sir T. B.
Herries, rt. hon. J. C.
Hillsborough, Earl of
Hinde, J. H.
Hobhouse, Sir J. C.
Hodgson, R.
Hogg, J. W.
Hope, hon. C.
Hope, H. T.
Hope, G. W.
Hotham, Lord
Houstoun, G.
Howick, Visct.
Hurt, F.
Ingham, R.
Irton, S.
Irving, J.
Jermyn, Earl
Johnstone, H.
Jones, J.
Jones, Capt.
Kelly, F.
Kemble, H.
Knatchbull, Sir E.
Knightley, Sir C.
Labouchere, H.
Lascelles, W. S.
Law, hon. C. E.
Lemon, Sir C.
Lennox, Lord A.
Liddell, hon. H. T.
Lincoln, Earl of
Litton, E.
Lowther, hon. H.
Lygon, hon. Gen.
Mackenzie, T.
Marsland, T.
Marton, G.
Master, T. W. C.
Mathew, G. B.
Maunsell, T. P.
Miller, W. H.
Moreton, hon. A.
Morgan, C. M. R.
Morpeth, Viscount
Neeld, J.
Neeld, J.
Noel, hon. W. M.
Norreys, Lord
Pakington, J. S.
Palmer, G.
Parker, M. E. N.
Parker, R. T.
Parker, T. A. W.
Peel, rt. hon. Sir R.
Peel, J.
Pemberton, T.
Pendarves, E. W.
Perceval, Colonel
Perceval, hon. G.
Pigot, D. R.
Pigot, R.
Plumptre, J. P.
Polhill, F.
Powerscourt, Visct.
Praed, W. M.
Price, R.
Pringle, A.
Pusey, P.
Richards, R.
Rickford, W.
Rolfe, Sir R. M.
Rolleston, L.
Round, C. G.
Round, J.
Rumbold, C. E.
Rushbrooke, Colonel
Russell, Lord J.
Rutherford, A.
Scarlett, hon. J. Y.
Sheppard, T.
Shirley, E. J.
Sibthorpe, Colonel
Sinclair, Sir G.
Smith, B.
Smyth, Sir G. H.
Stanley, E.
Stansfield, W. R.
Stewart, J.
Stuart, V.
Stormont, Visc.
Sturt, H. C.
Tancred, H. W.
Troubridge, Sir E.
Tyrell, Sir J. T.
Vere, Sir C. B.
Verney, Sir H.
Villiers, Visct.
Vivian, J. E.
Vivian, Sir R. H.
Waddington, H.
Wall, C. B.
Walsh, Sir J.
Wilmot, Sir J. E.
Winnington, T.
Wodehouse, E.
Wood, C.
Wood, Colonel
Wood, T.
Worsley, Lord
Wyndham, W.
Wynn, rt. hon. C.
Young, J.

TELLERS.

Howard, P.
Slaney, R. A.

Paired off.

FOR.	AGAINST.
Power, J.	Lowther, J.
Hayter, W. G.	Broadwood, H.
Fenton, J.	St. Paul, H.
Cave, R. O.	Manners, Lord C.
Easthope, J.	Packe, C. W.
Hoskins, K.	Ossulston, Lord
James, Sir W.	Seale, Colonel
Hill, Lord M.	Planta, J.
Dundas, J. C.	Lockhart, J.
Dundas, Sir R.	Trench, Sir F.
Dundas, C.	Foley, E.
Morris, D.	Hawkes, T.
Barron, H. W.	Adare, Visc.
Roche, Sir D.	Bradshaw, J.
Redington, T. N..	Cartwright, W. R.
Rice, E.	Young, Sir W. L.
Villiers, hon. C. P.	Grimston, Visc.
O'Connell, M.	Powell, Colonel
O'Connell, M J.	Knight, G.
Lister, E. C.	Duncombe, hon. A.

Election of Coroners.] Sir *H. Fleetwood* moved for leave to bring in a bill to limit the time of taking the poll at elections of coroners for counties, to one day, and for increasing the number of polling places.

Mr. *Wakley* said, that his experience showed him there were many alterations requisite to be made in the election of coroners, which might be urged without any party or political feeling of any kind. There were many excrescences to prune, and many things to add. As the proposed bill went to remove only one of the evils connected with the office, the change in itself would be nothing, unless they also specified who were to be coroners, and settled the qualification of voters. Under the circumstances, as this would only be the removal of a very trifling amount of the evils, he did hope, that the question would be left to another Session, and he promised he would employ as much industry as he could for the purpose of discovering what ought to be done with reference to the office, and give the measure every aid in another Session of Parliament.

Mr. *Pakington* thought the bill brought in by the hon. Baronet was by no means sufficient to meet the required alterations with regard to the election of coroners. He quite agreed with the hon. Member for Finsbury that several alterations were needed. The bill did not go nearly far enough, and it was preposterous to bring such a bill forward on such a subject.

Mr. *Wynn* thought there ought to be some intelligible qualification established for voters; and until that was done, it seemed quite absurd to attempt to bring in any motion.

Sir *H. Fleetwood* wished first of all to have the bill brought in and printed, that it might be circulated throughout the country, and that by that means he might be enabled to receive suggestions relating to it. But if he saw no expectation of carrying the bill this Session, he would adopt the suggestion of the hon. Member for Finsbury, and withdraw it for this Session.

Leave given to bring in the bill.

National Education.] Lord *Ashley* rose, pursuant to notice, to move a call of the House for the 14th of June. He apprehended no opposition, as the noble Lord had announced his intention to second the motion.

Lord *J. Russell* rose to second the motion, as he had already stated his intention of doing. He would take the same opportunity to state some reasons why he conceived the House should not be influenced by statements in petitions—no doubt honestly intended—but totally at variance with the plan proposed by the committee of the Privy Council. One prevailing error was, to suppose that the plan proposed was intended to apply uniformity to all parishes throughout the kingdom. In the school that was to be established, it was proposed that the persons to be educated in it were not merely to be day scholars, but that they were to live in the house. Therefore it was obvious that neither the system of the National School Society, nor that of the British and Foreign School, would be applicable to it. Under the National Society any child educated must belong to the Established Church, and thus it necessarily became an exclusive school, and those who would send masters for learning to them must be aware that they would be under this exclusive system. If they took the British and Foreign School system, under which the children received instruction in reading the Scriptures, and also religious instruction, either from the Established Church or in conformity with the tenets of the religious societies to which their parents belonged, it was open to other objections. He had always belonged to the British and Foreign School Society, and he was proud and gratified at his connection with it. By the plan of that society, it was provided that Scriptures should be read in the schools belonging to it, and the children should on the Sunday attend divine worship at the church, or attend at the peculiar place of worship of their parents, and also that the children should receive religious instruction, one day in the week, in conformity with the religion of their parents. This system, it was obvious, could not apply to children remaining in the school all the week, and not being under immediate parental superintendence: it was therefore thought necessary, in the plan that was prepared, that they should direct the appointment of a chaplain of the Established Church, and that provision should also be made that the children of Dissenters should be instructed in the peculiar religious doctrines of their parents. It had been assumed that this was the system that was to be established throughout the country.

Now, as neither the principle of the National Society nor that of the British and Foreign School Society would apply in the proposed school, neither could the plan that had been alluded to apply all over the country. According to the rule of the National School Society, all the children must attend divine worship with the master of the school at the parish church on Sundays; but he thought that the rule on the same subject that had been adopted by the British and Foreign School Society was more fair and extensive in its operation. But there was another feeling which had got abroad, which was a most mistaken one, which had arisen from an erroneous view that had been taken of a few words in the report of the committee of the Privy Council. It had been said with respect to the children of Roman Catholics, that they would be allowed to use their own version of the Bible. From this it had been assumed that there were to be new versions of the Bible used in their schools, and it was also assumed that they were to be generally used. Now, although there was not such a great difference between these two versions of the Bible as had been described, still he was aware that objections might be urged on the assumption that two versions of the scriptures were to be commonly used. But in the way in which it was proposed in the report of the committee of the Privy Council, it was not open to any such objection. The principle that it was proposed to act upon was by no means a new one, for it had already received the sanction of that House and the Legislature in an important enactment. It was enacted in the Poor-law Amendment Act, that in the workhouses the pauper children should be assembled in a school and instructed, and that act also provided that each child should receive instruction in the peculiar religion professed by its parents. Now if any of the inmates of the workhouses should happen to be Roman Catholics having children, those children of Roman Catholic parents would require Roman Catholic teachers to attend them, who, of course, would bring with them Roman Catholic books of instruction, and he was not aware that this had been objected to. He therefore thought that the outcry that had been raised on this point had arisen from a completely mistaken view of the subject; and when he said this, he would also observe that there were several other points in which the instructions of the committee of the Privy Council had been completely misunderstood—he would not say misrepresented, but misunderstood so completely as to put an effectual stop to the plan proposed by the committee of the Privy Council. After this misunderstanding, and after the effect which it had produced, he had arrived at the conclusion that it would be unadvisable to pursue the proposed plan further at present. The most excessive eagerness had been manifested in opposition to the system, and the zeal of the opponents of it had been carried to an extent that he could not account for. He had that day received a letter informing him that a clergyman had read a petition against the plan at the conclusion of his sermon, and called upon his congregation to sign it. He had also received the copy of a petition which was described to be against the Government plan, to expel religious instruction from the schools of this country. Now this could only have arisen from a perverse anxiety to exclude the public from forming a correct notion of the plan, for a want of religious instruction could not with any fairness be said to be one of the objections to it. It had also been observed that another objection to it was, that when the children were receiving together general instruction under the same roof, that from the several religious teachers imparting instruction in their peculiar tenets and doctrines to the children belonging to their various sects, it would tend to shake a stedfastness of belief, and render doubtful their convictions in the doctrines of their own peculiar churches. He would not say whether or not this was a valid objection to the plan, or whether it was open to any such objection; but he must say that the zeal that had been manifested on this point was most extraordinary when taken in contrast with the practical infidelity which had prevailed for so long a period on the part of many of those persons on this subject. If reference were made to the reports of the inspectors of prisons, it would be seen that it often happened that forty or fifty persons were found in a gaol who could neither read nor write, and many others who could not repeat the Lord's prayer, or who knowing it could not give any common meaning to it, or give an answer to the most simple questions as to the doctrines of the Christian religion. When he recollected the state of the classes most subject to the criminal law, and who were most severely punished for any offence against society, and when such a large portion of them had not been taught the simple elements of religion and morals, and who, when questioned by the chaplains of the prisons, hardly knew of the existence of a God, or of the doctrine of the death of Jesus Christ, he should not have been surprised if such zeal as had been shown against this plan had been manifested against this lamentable want of instruction. Although the Government might havé suffered from the attacks made on it, in consequence of bringing forward this plan, he still should rejoice if it could be turned to a useful purpose, and promote the moral and religious instruction of the people, in connection with the peculiar doctrines of those zealous persons who now appeared so anxious to promote education in that way. He would willingly bear all the odium that had been cast on the plan, if the result was that that extent of ignorance which now unhappily prevailed could be diminished, and that those classes of persons who were now reared in ignorance had an opportunity afforded them of learning their duties to God and man. He repeated that it was not the intention of the Government to persist in the proposal to found the normal school. He should be prepared when the proper time arrived to go into a statement on the report of the committee of the Privy Council, and he should then propose the vote of which he had given notice, and he should also propose that it be divided as at present between the National School Society and the British and Foreign School Society; but in agreeing to this plan for the present he felt bound to observe that he was by no means satisfied in leaving the matter as it was, and giving the control of the education to two voluntary societies which might have very imperfect and defective plans of education, which might be open to the most serious objections. He was glad that increased attention had been devoted to this question since he addressed his constituents on the subject in 1837, and he trusted that all classes would look to a more general diffusion of the blessings of education. In conclusion he would only add that in the first place he was satisfied that it was the duty of the House and the Legislature to promote the instruction of all classes of the community, and secondly that in doing so they should not confine themselves to any exclusive system of instruction. He would only add that he felt great pleasure in seconding the motion of the noble Lord.

Mr. *Goulburn* said, that during the whole time he had been in Parliament, he had never seen so extraordinary a course taken as that which had been adopted by the noble Lord. It was, indeed, most extraordinary that the noble Lord should have taken that opportunity for entering into a discussion of one of the most important subjects that could possibly come under the consideration of the House. The noble Lord had, if he understood him right, told the House, that he had entirely abandoned the plan which no longer ago than last Friday night he appeared so confident in bringing forward, judging by the readiness which the noble Lord had shown in saying that he would second the motion of his noble Friend, the Member for Dorsetshire. The noble Lord had, in seconding the motion for calling the House together, in order that the subject might be fully discussed, taken that opportunity of making an attack on the objections of those who were conscientiously opposed to the Government plan, and of throwing out insinuations, to use no stronger term, with respect to the persons who had petitioned against it. Now, he had been intrusted with a petition from the University which he had the honour to represent, and also petitions from various other places, against the Government scheme of education, as it was understood from the papers which had been laid before the House a few days ago; and although he had not yet found an opportunity of presenting them to the House, yet he could tell the noble Lord that the persons who had signed those petitions, were as capable of understanding the plan as the noble Lord himself. On looking to the number of petitions that had been presented against the resolutions recently laid on the table, he was prepared to say that the persons who had signed them understood those resolutions as he (Mr. Goulburn) understood them, and that they concurred in the objections which had been urged against them in that House. He certainly did not think this was a time to go into a discussion of the subject, and he considered that it would have been more fair of the noble Lord, if he had given some notice of his intention to do so, instead of entering on the discussion so unexpectedly. There was one part of the noble Lord's speech which he felt himself compelled to answer, and that was, with reference to the neglect with which some persons were charged on the subject of education. Now, if he were disposed to impute to one party more than another a want of zeal in bringing forward some plan of education to supply the great defect that at present existed, he did not think that imputation would rest on the party who had opposed the Government plan. Had there not been large public meetings in almost every part of the country for repairing the present defective system, which was the more strongly felt from the great want of religious instruction! And had not those numerous meetings preceded the motion of the noble Lord? He quite agreed with the noble Lord in deploring the evils which arose from defective education; and, in saying that, it was lamentable to see the ignorance of the great truths of religion that was shown by many of the lower classes of society. There were many cases in which the opportunities of instruction that had been afforded were rendered ineffectual, either from the conduct of the parents of those unhappy persons, or from the habitual aversion of youth to receive it; but these were the consequences of ignorance rather than the defect of attention of those religious instructors under whom those persons were placed. As to himself, he certainly must say that he considered all education as good for nothing which did not comprise religious instruction. The plan, however, proposed by the Government—he meant the one now lying on the table of the House—in his opinion tended greatly to the laxity of all religious principles; and entertaining that opinion, he could not possibly approve of it. He would not trouble the House with any further observations on the subject, and had only risen to say that the speech of the noble Lord was entirely unexpected by him, as he believed it to be by many other hon. Members.

Mr. *Hume* regretted the noble Lord had been obliged to give up his plan, but after the misrepresentations that had gone forth respecting it he was not unprepared for such a result. The members of the Church of England, instead of supporting this plan, had manifested the utmost opposition to it, and stated that they were most anxious for the extension of education in connexion with the Church, but he believed that their conduct was influenced with the design of maintaining the present state of ignorance throughout the country. He recollected that when he was a member of the committee of the Lancasterian Society some years ago, the clergy used every exertion to put it down, and when they found that they could not do so, they started another society, and he was convinced that if at that time the Lancasterian Society had come to Parliament for a grant of money, they would have been met as the present plan had been. The clergy had ample means and sufficient resources to educate all classes, but they had entirely neglected it. The clergy were amply paid for the instruction of the people, and all the evils that had arisen, had resulted from the allowance of pluralities and non-residence. He contended, therefore, that the Church of England was answerable for the prevalence of ignorance and crime that existed in this country to such a frightful extent. After all his experience, however, he had hardly thought that the plan would have been treated in the manner in which it had been. He was sorry that the discussion had not come on respecting the plan, for if it had, an opportunity would have been afforded of exposing and doing away with many of the objections that had been urged against it, and thus the feeling that had been excited throughout the country would have been allayed. Nothing could be more absurd and monstrous than some of the opinions that had been put forward in some of the petitions presented to the House. He had seen, in one petition that had been presented from 439 schoolmasters against the bill, an observation to the effect, that they would rather see the children die in ignorance than have them educated under the proposed plan. What could be expected when they saw such a remark emanate from those who were regarded as instructors? It was entirely owing to the scandalous neglect of the heads of the Church Establishment, which was so richly endowed for the purposes of education, that such ignorance prevailed.

Viscount *Morpeth* merely rose to reply to some of the observations of the right hon. Member for the University of Cambridge, and to say, that in his humble judgment at least, the proceeding of his noble Friend the Secretary for the Home Department was not at all obnoxious to the reproof it had received. On the contrary, his noble Friend was right to take the first opportunity that was offered by any motion to inform Parliament, in due time, of the course he meant to pursue, and to refute and contradict the offensive, mendacious misrepresentations that had been made with respect to the Government plan, through so many different channels. Why, hon. Members could not take up a single daily or weekly newspaper without finding endless misrepresentations made of this plan. His noble Friend was not forestalling any discussion on the subject which was to take place according to previous notice, because he had stated, that in deference to the opinion expressed by the country, he did not intend to press his present plan on the House. He hoped that the country might form a more deliberate opinion upon the subject, and that there might be adopted at some future time a plan of universal education, for he trusted this question was only delayed for the present. His noble Friend, however, he was happy to think, was resolved to obtain as much education for the people as possible, and for that purpose he would still call upon the House for a grant of 30,000*l.* for the purposes of national education, which should be distributed by the two societies named by his noble Friend; but possibly under some better and different modifications of the manner in which those societies acted at present. When the right hon. Member said, he thought education was good for nothing without religious instruction, and that the present plan tended greatly to produce a laxity of religious principles, he must have forgotten that both the speech of his noble Friend, and also the plan laid down by the committee of the Privy Council, were most emphatic and expressive in the contradiction of such being intended by the present plan.

Sir *E. Knatchbull* observed, that this was the first time that he had ever heard a Minister of the Crown designate petitions as mendacious and offensive. He appealed to the House whether such observations had not been applied by the noble Lord to the petitions sent to the House on the subject of the Government plan of education. If he was wrong, the noble Lord would have an opportunity of setting him right, and of doing away with an impression which the noble Lord's observations had made on his mind, as well as, he believed, on the minds of other Members. He understood the expressions of the noble Lord to be to the effect that he had described. The hon. Member for Kilkenny said, that this was a Church question, and had intimated that the petitions that had been presented, praying the House not to agree to the plan of education proposed by her Majesty's Ministers, had been got up through the agency of the clergy. He would ask whether the Wesleyan Methodists were connected with the Church?—and that most respectable body of dissenters had, *unâ voce*, declared against the adoption of this plan. The petitions that had been presented expressed the opinions of a large portion of the people of England, and it was in consequence of this, that the noble Lord had not thought proper to submit the plan that had been proposed to the consideration of Parliament. His noble Friend had moved for a call of the House, in expectation of this subject coming on, on Friday, the 14th; and after what had fallen from the noble Lord the other night, it was generally believed that there would be no objection to the motion. It had been thought that the noble Lord would have seconded the motion in the regular and proper manner—aye, in the regular and proper manner, for he contended, that the noble Lord had been most irregular, in proceeding to discuss a motion which, it was understood, was unopposed, and which might have come on in the early part of the evening. This was an unopposed motion, and nobody expected that the noble Lord would have made a speech on the subject of education. He would appeal to the House whether it was not generally understood, that when his noble Friend proposed his motion for the call of the House, and when the noble Lord gave notice of his intention of seconding it, whether it was not generally understood that it was to be unopposed? It might, however, be thought, that the noble Lord had availed himself of the absence of the right hon. Member for Tamworth, who probably would have answered him had he been present, and had taken the opportunity of explaining his reasons for abandoning his proposed plan, in what he must designate as not either a very clear or a very distinct explanation. It would be said, that the noble Lord availed himself of such an opportunity of abandoning the plan which was to give education without religious instruction. He did not believe that this was the intention of the noble Lord, or of those who acted with him, in proposing the plan; but such certainly was the belief of many with regard to the plan, and the course that had been pursued would certainly lead to that opinion in the country. This opinion had been formed by seeing that the whole control of the general education of the country was to be left to a committee of the Privy Council, and not a single ecclesiastic was a member of this body. It might be said, that there were to be chaplains to these schools, who were ministers of the Church; but these were all subordinate officers, under the control of the committee of Privy Council. In a body so constituted, in the present circumstances of the country, there would be little confidence, and above all, when the situation was recollected in which they were placed. He agreed in all that had fallen from his right hon. Friend near him, and only regretted that the present course had been taken. He at present understood, from what had fallen from the noble Lord, that his proposition would be, that the 30,000*l.* which he intended to propose to vote, should be expended under the superintendence of the two societies to which the pecuniary grants had been made. If this was the case, he believed that there would be no very serious opposition to the plan. He had felt bound to rise, after the observations which had fallen from the noble Lord, and which he had understood in the sense which he had described; but if he was under an erroneous impression, he should feel happy in being corrected.

Viscount *Howick* could not help remarking, that the right hon. Baronet had manifested a singular talent for totally misunderstanding the language and observations of his noble Friend, otherwise he would not have so completely misrepresented what had taken place. He was quite satisfied, that no other person who had listened to the speech of his noble Friend, could have supposed that the observations that he had made, applied to those who had signed the petitions against the proposed plan. He thought that the term "mendacious misrepresentation" was most properly applied to those persons who got up the excitement that had prevailed, with the view of deceiving and inducing feelings of opposition to the plan, and with the view of leading persons to sign petitions. With reference also to what had fallen from his other noble Friend, nothing could be less improper or unfair, than for him to explain the nature of the vote he intended to propose, when he seconded the motion for a call of the House, and to say, that he did not intend to press the plan which had been the means of exciting such a feeling as he had described. Could anything be more fair on the part of his noble Friend than that previous to the House coming to a vote, there should be no misapprehension as to the nature of the motion which he intended to make? What had his noble Friend gained by the course that he had pursued? He had merely explained the feelings that had induced him to abandon his plan, and propose a vote somewhat different. So far from this being unfair, it gave an opportunity to Gentlemen opposite to consider what answer they should give to his statement, or to the proposition that would be grounded on it. The right hon. Baronet stated, that this was an unopposed motion, and that it might have been made at the beginning of the evening; and that it was, therefore, irregular for his noble Friend to have made any observations on seconding the motion of the noble Lord. Was the right hon. Baronet aware that it often happened that unopposed motions were discussed for hours? What was more common than to debate the most important questions of foreign policy on motions for papers, to the production of which there was not the slightest objection? The course, therefore, pursued by his noble Friend was entirely in conformity with the proceedings of the House. Considering the manner in which the plan of education had been misrepresented and misstated, the complaint of unfairness made against his noble Friend appeared to him to be most extraordinary and uncalled for, as he had been only anxious to give the most ample notice of what his views and intentions were.

Mr. *Litton* felt, that as the country had been alarmed from one end to the other, at the announcement of the proposed plan of education, they were justified in expecting the fullest explanation from the noble Lord. It had been stated, that the feeling that prevailed had been the result of the misstatements and misrepresentations that had been put forward on the subject. If this were the case, why did the noble Lord shrink from a full discussion of the plan, and show that the objections that had been urged against it had been the result of misrepresentations and party feelings? Those who sat on his side of the House had a right to expect that an opportunity of fully discussing the plan would have been afforded to them, and when he stated on Thursday last that he would second the motion of his hon. Friend for a call of the House, he would ask, whether it was not the belief of every man in the House that he was prepared to justify the plan which he had announced, and to take the sense of the House on the subject? There could be no mistake as to this plan. It was a plan for mingling up in one common school the children of the Socinian, the members of the Church of England, and of the Roman Catholics. This mixture of children of all religious persuasions would not fail to destroy every religion whatever. He denied that the representations which had been made by the opponents of the Government scheme, whether in or out of petitions were mendacious. The statements which had been made from that side of the House were strictly true, and expressed the opinions of all who had any religion in their hearts. He challenged discussion on the question, and then let it be judged who was wrong and who was right. The noble Lord had heard some severe remarks on his conduct with regard to this measure; and while he and others pursued similar plans—while their measures went to destroy all true religion, he would hear observations still more offensive. Of all the bad measures brought forward by her Majesty's Government, he firmly believed this was the worst. It struck at the root of the morals and religion of the country.

Mr. *O'Connell* said, the hon. and learned Gentleman entertained very peculiar notions, for he maintained, that if the children of parents holding different opinions in religion were educated together, the result of the entire would be the production of a kind of negative quantity, and end in no religion at all. There was no country in Europe where the children of different persuasions were not educated together. Let them look at the report of Mr. Nicholls on the state of Belgium and Holland, and they would find the followers of Calvin, the Lutheran and Roman Catholic educated together in amity and perfect good faith. That was the spirit which ought to exist between Christians, and formed a cheering contrast to that bigotry which allowed no freedom of thought, and grasped at every thing. The Church of England was the richest national church in Europe, and it was the church which, of all others, had contributed the least to education, and it was a lasting disgrace, that of all countries in Europe, England alone should have no system of national education. The hon. Member for the University of Cambridge maintained, that the Church of England did educate the people, but what did he mean by that? Did the church educate Dissenters or Roman Catholics? No, it did not; neither would the right hon. Gentleman allow that to be done. Yet the 30,000*l.* proposed to be voted for education was not the money of the Established Church, any more than it was the money of the Independents, Baptists, or of any other religious sect, for it came as much out of their pockets as it did from the pockets of members of the Church of England. It was as much the money of the Dissenters as it was the money of Churchmen. Yet what was the public outcry and clamour which had been raised, except that no part of that public money should be expended towards the support of any system of national education which was not founded on the principles of the Established Church? He declared such a plea to be bigoted and unjust. If they permitted only one version of the Scriptures to be read at the public schools, children, when they were grown up, would find they had been deceived. Besides, he would ask, what harm could the perusal of the different versions produce? All that was formerly insisted on was, that the Roman Catholics should read the Bible. But now that the Roman Catholics were ready to read the Bible by the adoption of the Government plan, their opponents turned round and said they should not be allowed to read their own Bible. He did not wish the Roman Catholic version to be put into the hands of any except Roman Catholic children. To ask for more would certainly be unjust and unfair. All that he asked was perfect equality to all children to be educated as children of that special persuasion which their parents followed—that the children of parents of the Church of England should be educated in the principles of that Church — Dissenters according to their particular tenets, and the Roman Catholics according to theirs. He would ask, which was the most numerous per suasion? The Roman Catholic was the most numerous in the British isles. They had seven millions in Ireland, and two millions in England, and he begged to add, they were not diminishing in numbers. Yet hon. Members opposite wished, that this numerous and increasing class should be shut out from the benefits conferred by their own money. What was the cause of this? Were they afraid to let the Roman Catholics have the benefit of education? Did they wish to keep them in ignorance, that they might be the more easily converted. That was a narrow and most singular course, for in other countries the children of all persuasions were educated together on a footing of equality. The clergy of the Established Church had availed themselves of this opportunity to raise the old no-Popery cry, without any justifiable reason. He was sorry to hear, that the noble Lord intended to abandon his former plan, and that he proposed to give public money to voluntary societies. Those societies would allow none but the legalised versions of the Bible authorised by law to be read at their schools, so that such a scheme would practically exclude the Roman Catholics from all benefit. He protested against the appropriation of the public money to such purposes, and thought, that the public at large ought to have the benefit fairly and freely.

Colonel *Sibthorp* said, that there was no trick that falling men would not practise to endeavour to save themselves; but the noble Lord's trick would not do.

Mr. *Slaney* considered it unjust to taunt the noble Lord for giving way in regard to the scheme of education proposed by the committee of the Privy Council, because he was only yielding to the loudly expressed opinions of the country. He was sorry, that the question had been met with so much asperity; but he must say, that if on the one hand there had been exaggerations and misrepresentations on the opposite side of the House, he could not acquit some on the Ministerial benches from having made use of wrong expressions; for instance, the hon. Member for Kilkenny charged the clergy of the Establishment with having neglected the education of their flocks, while in point of fact they had been most forward on all such occasions in giving their aid and example.

Mr. *Godson* said it was extraordinary, that not only the Members who sat on that side of the House, but almost all who had read the minutes of the committee of the Privy Council, should construe them in a different sense from what was intended. Many of his constituents felt a deep interest in the question, and he trusted, that as the published plan was to be abandoned, the noble Lord would speedily enable the House to judge of what was to be brought forward as a substitute.

Mr. *Wyse* said he must protest against the withdrawing of the published plan, and had always expressed his objections to giving the public money to any societies whatever. He protested against every arrangement by which these societies were to be understood as standing in the place of the nation. He trusted the noble Lord would consider whether, by giving money to these societies, he would not be giving a bonus to maintain political and religious ascendancy. The Roman Catholics would be excluded by giving the public money to these societies, and he hoped the noble Lord would still recur to his former plan, from which he had been driven by the mistaken clamour and the unfair means that had been used to get up petitions against it. He had at that moment in his possession a petition in favour of the Government scheme, in which it was stated, that the signature of the petitioner had been extorted to a petition against the measure, as he was coming out of a church, by telling him, thathe was petitioning in its favour. He did not believe, that the real sense of the people of England had been ascertained, or that it would prove to be really hostile to a scheme of national education on liberal principles. He had presented petitions from 80,000 persons in the North of England in favour of such a measure a year ago, and he saw no reason to induce him to believe, that these persons had since changed their minds. He regretted, that the noble Lord had not given more time to enable the public mind to be rightly informed as to the principle of the Government scheme, and still further, that the noble Lord had not adopted such a course, when he (Mr. Wyse) brought this subject under the consideration of the House on a former occasion, as would have enabled the Government to bring the scheme forward supported by resolutions of that House. As to any obstacles that might be thrown in the way of a system of national education, based on free and comprehensive principles, he said fearlessly, that it was not in the power of the hon. Members to stop its progress. It was not a question that could be ruled by Wesleyan Methodists, or any other sect. But it was a question whether there should be "knowledge" in the country; and he believed, that there were many persons who, under the cloak of religion, were desirous to stop the advance of instruction altogether. He was gratified, however, to see that there had been what was termed an "awakening" of the Church of England; that that Church, which had remained so long "speechless," had at length roused herself from lethargy. He did not charge the Church of England with negligence on the subject of education upon his own authority alone. He did so upon the statement of learned doctors, who admitted that the Church had not taken sufficient charge of the instruction of the people. Authorities in that Church stated, that they would not attend even once a-week to the religious instruction of their people, if it were not specially enjoined as a part of their duty. In his opinion, a Roman Catholic priest might, perhaps, with propriety, have said something of that sort; but the ground of the Reformation, the great principle inculcated by Luther, was that it was a duty which all ought to discharge — the teaching of the poor and holy. How they had neglected that duty, the history of this country fully demonstrated. But the Church had done well to "awaken;" he was glad of it; he rejoiced at it. He was gladder, perhaps, at that awakening than some Members of the Church of England. He augured much good from that increased activity. He believed it would be productive of much good. If the people of this country were sufficiently instructed, they should not have to witness such deplorable scenes as had taken place lately at Canterbury, and which exhibited, in a strong light, the evil effects of a Church slumbering in its duties of attending to the general education of the people. He did not wish to carry the discussion further at present. But he must again enter his protest against granting the public money to any of the national schools, whether to the British and Foreign, or to the National school, to the exclusion of others. He was anxious that all schools and classes should have the benefit of the public money, without distinction of sect or creed.

Lord *Ashley* must say, that when the noble Lord gave notice that he would second his motion, he thought it would have been more courteous to the House if he had stated that he would take that opportunity of withdrawing his former plan, and explaining the nature of that which was to be substituted in its place, as well as to expose the misrepresentations which had been urged against the Government measure. He would only add, that the noble Lord, the Secretary for Ireland, had thought fit to use words throwing into the discussion that gall and bitterness which had not formerly been introduced. He would only say, that he hoped the noble Lord would be prepared to explain what he meant by the terms "offensive" and "mendacious."

Viscount *Morpeth*: I may state at once that I mean at least three-fourths of all the statements which have appeared in opposition to the plan.

Lord *John Russell* stated, that it was his intention, in the course of a few days, to lay upon the Table certain papers relating to the subject of education. It would be for the noble Lord to say whether he would persevere in his motion for the call of the House after those papers had been produced. If the noble Lord insisted on going to a division now, he (Lord John Russell) should certainly consider himself bound to support him.

Lord *Ashley* admitted, that nothing could be more fair than the noble Lord's proposition; he understood that it was the noble Lord's intention to lay upon the Table certain papers upon which the House would be enabled to form a better judgment of the whole question. But surely the House would see that, as regarded the division now proposed, the greater part of the Gentlemen who sat upon the Opposition side had gone away, under an impression that the noble Lord (Lord John Russell) would not oppose the motion for the call of the House, and consequently that no division would take place. Under such circumstances it was quite possible that the Government might obtain what, in their estimation, would be a victory; but it was a victory which he thought would not redound much to their credit.

Mr. *French*, considering that the original motion was to be withdrawn, thought it was too much for the noble Lord (Lord Ashley) to call upon the Ministerial side of the House, which, as far as his experience extended, had always been found to be practically useless.

Sir *S. Lushington* said that nothing in the world would induce him to vote against the noble Lord's motion. If he did so, he should conceive that he had been guilty of practising a deception upon the House of Commons, because no one who heard his noble Friend (Lord John Russell) the other night, could entertain a doubt that he had assented to the proposition for the call of the House. The only question was, whether, under the circumstances, the noble Lord (Lord Ashley) would deem it expedient to persevere in his motion.

Mr. *Sheil* thought, that the observations just made by the hon. and learned Member for the Tower Hamlets was quite conclusive of the question. There could be no doubt of the noble Lord's right, if he thought proper to press it, of insisting upon his motion for the call of the House; but he would respectfully submit to the noble Lord, as an intimation had been given to him by the noble Lord, the Home Secretary, that the plan was to be changed, whether he would not consult the convenience of hon. Members by not insisting upon the call of the House? The whole matter rested entirely with the noble Lord himself. If he insisted on going to a division he should certainly consider himself bound to vote with him.

Lord *Ashley* should be extremely sorry to do anything that was in the least degree annoying to the House, or that for a moment could be regarded as discourteous; but he had no means of knowing that the call of the House would not be as necessary as applied to the new plan, as it was to the old one. The noble Lord, however, had promised that the new plan should be laid upon the Table to-morrow. Under such circumstances he could only say, that as soon as he had seen it, and had had the opportunity of consulting his friends with respect to it, if it should appear not to require a strict attendance of Members when it came to be discussed, he would immediately move that the order for the call of the House be rescinded.

Motion for the call of the House agreed to.

HOUSE OF COMMONS,

Wednesday, June 5, 1839.

MINUTES.] Bills. Read a second time:—Electors Removal.—Read a third time:—Borough Courts.

Petitions presented. By Lords Villiers, Elliot, Cole, Hotham, Ingestrie, Ashley, Henniker, G. Bentinck, Alford, Stormont, Sirs G. Clerk, A. Dalrymple, T. D. Acland, R. Inglis, C. Burrell, F. Pollock, C. Lemon, P. Musgrave, J. Y. Buller, Colonel Rushbrooke, the Earl of Lincoln, Captains Gordon, Wood, and Alsager, Colonels Lowther, Sibthorpe, and Wood, Messrs. Welby, Bennett, Codrington, Cartwright, Grimsditch, W. Duncombe, Townley, Parker, Bagge, Hope, Johnstone, Bell, Plumptre, Maunsel, Christopher, De Horsey, Halford, Gaskell, Lascelles, Dugdale, Darby, Praed, B. Ingham, Goulburn, Pusey, Bagley, Kelly, and Gilbert Heathcote, from an Immense number of places, against the Government plan of National Education.—By Messrs. Hawes, and Warburton, from Newington, and Dorchester, in favour of the same. —By Lords A. Conyngham, and Stormont, Sir G. Clerk, Sir P. Musgrave, Captain Perceval, Sir J. Y. Buller, Captain Gordon, Messrs. Aglionby, Dugdale, Parker, Ingham, Pusey, Brotherton, Wilbraham, Ainsworth, Wallace, M'Taggart, C. Lushington, Brodie, Harvey, W. Duncombe, T. Parker, Buller, Morris, Marsland, Pringle, Vigors, F. Trench, Williams, Bennett, Pryme, Dennistoun, Hawes, Hodges, and Hume, from an immense number of places for a Uniform Penny Postage.—By Sir R. Inglis, from Market Harborough, against the delivery of Letters on Sundays.—By Mr. Hume from Auchterarder for the repeal of the Corn Laws.—By Mr. Hodges, from several places, against the New Poor-Law, and against the Beer Act.—By Mr. Hawes, from Dunstable, and other Places, for the Abolition of Church Rates.—By Sir James Graham, from Glasgow, for measures to secure the purity of the printed Bible Texts.—By Mr. G. Knight, Mr. Pringle, Mr. Litton, and Mr. Compton, from several places, against any further Grant to Maynooth College.—By Messrs. Pringle, H. Johnstone, Darby, and General Arbuthnot, from several places, for Church Extension in Scotland.—By Sir R. Bateson, from places in Ireland, against compelling Presbyterian Soldiers to attend any places of worship, but those of their own faith.—By Captain Gordon, Sir John Y. Buller, for general Church Extension.—By Lord Eliot, from a place in Cornwall, against the Church Discipline Bill.—By Mr. Abercromby, from Dalmellington, and Lennoxtown, against any further grant to the Church of Scotland.—By Mr. H. Johnstone, from the Scotch Clergy, against endowing the clergy of the Romish Church; and against allowing the Mails to run on Sundays; from Kirkcudbright, against the Repeal of the Corn-Laws.—By Mr. D. W. Harvey, from Southwark, against the County Courts Bill.—By Mr. Godson, from Kidderminster, against some clauses of the New Poor Law Act.—By Mr. Plumptre, from three places, against Travelling on Railroads on Sundays.—By Sir T. D. Acland, from Exeter, against the Prisons Bill, and from several places, against parts of the New Poor Law Act.—By Mr. Wallace, from Greenock, for some legislative measures with regard to Newfoundland.—By Mr. Litton, from Queen's County, against the Irish Municipal Bill.—By Mr. Lascelles, from Wakefield against the Copyhold Enfranchisement Act.

BLOCKADE OF BUENOS AYRES.] Sir *Stratford Canning* wished to ask a question relative to the present state of our trade at the important port of Buenos Ayres. The House was aware, that a blockade of that port was established about eighteen months ago by a French squadron, under the immediate command of the French Government. The effect of the blockade had been to suspend all trade in that quarter of the globe. It had afforded a most serious interruption to the commercial intercourse of all nations, and had been especially detrimental to the commerce of England. The trade of England with that port, amounted to no less than 1,000,000*l.* annually, and if the export returns were included, it would be 2,000,000*l.* It was most desirable that the anxiety of the commercial public should be set at rest, more especially as the last information was, that the blockade still continued. He begged to ask the noble Lord, whether there was any immediate prospect of the discontinuance of that blockade, and whether her Majesty's Government had taken any steps, by negotiation or otherwise, to effect that object. According to the answer he received from the noble Lord, he should decide whether he would bring the question before the House in a more distinct manner.

Viscount *Palmerston* said, the last despatches received, stated that the blockade still continued. With regard to the other point, he would state, that her Majesty's Government were using their best endeavours, at Paris and Buenos Ayres, to bring about an amicable adjustment of the dispute between the two parties.

Sir *Stratford Canning* observed, that the noble Lord had not expressed any opinion as to any immediate prospect of the blockade being discontinued. He hoped the noble Lord would inform the House, at least, of the general grounds and principles upon which the French Government founded its right to institute that blockade.

Viscount *Palmerston* did not feel himself at liberty to express an opinion, either one way or the other. He could only repeat, that the Government were doing all in their power to bring about an amicable adjustment of the matter.

Sir *Stratford Canning* inquired whether the principal ground of misunderstanding was not a demand made by the French, that the French residents in Buenos Ayres should be put upon the same footing as those of the most favoured nation.

Viscount *Palmerston* replied, that that certainly was one of the demands made by the French.

Subject dropped.

ENFRANCHISEMENT OF COPYHOLDS.] On the motion for going into Committee on the Enfranchisement of Copyholds' Bill,

Sir *Edward Sugden* trusted, that the hon. and learned Gentleman would postpone this bill till next Session. He was friendly to a system of enfranchisement, and he would be glad to co-operate with the learned Gentleman opposite, in endeavouring to found a measure giving greater power of voluntary powers of enfranchisement, and such other provisions as would meet the justice of the case; but he could not consent to the compulsory power, which would do great injustice to many parties, especially where a tenant for life might be obliged to pay for the enfranchisement of a reversion. He objected also to the introduction of a system into this country which would require the assistance of commissioners, to be paid at the public expense. He hoped, however, that the bill would be brought forward in the next Session of Parliament at such an early period as would ensure its being passed.

Mr. *James Stewart* said, that if the compulsory clauses were objected to, they could be withdrawn, as the bill provided also for voluntary enfranchisement. He could see no reason, therefore, why the bill should not be proceeded with. He had not introduced the measure upon his own authority, but upon the authority of a Select Committee of that House, and the resolutions upon which it was founded had been drawn up by the right hon. Gentleman, the Member for Tamworth. Let the bill go into Committee; and if it was then determined that the compulsory part ought to be abandoned, he was willing to adopt the voluntary part alone. It was no fault of his, he could assure the House, that the measure had not been brought forward earlier.

Sir *G. Strickland* thought the bill so objectionable, that its defects could not be remedied by striking out the compulsory clauses, and he should therefore move that the Committee be postponed to that day six months, and it would depend upon the support he received whether he should press it to a division. He did not oppose the second reading, because he had understood from the hon. Member for Honiton that he would reprint the bill, and modify the compulsory clauses. The bill had been reprinted, and the clause remained as objectionable as ever. He thought it should have been intituled, "A bill to take away the rights of all lords of copyhold manors, and to compel the tenants, whether willing or not, to purchase the same." The bill was a direct interference with the rights of private property, in a manner in which the Legislature had never dealt with it before. Hitherto they had never interfered with those rights, except when great public utility demanded it. He thought, that any general bill giving a compulsory power of enfranchisement applicable to all cases alike, would work great injustice. That was the opinion of Mr. Blamire, the chief tithe-commissioner, to whom the working of this bill was to be intrusted, and of many others. He objected also to the clause giving compensation to the stewards as if to bribe them into acquiescence in the measure, for vested interests, when he had never heard of such a thing as a vested interest in these stewardships. He concluded with moving, that the Committee be postponed to that day six months.

Sir *R. H. Inglis* seconded the amendment; for though he did not object wholly to the bill, yet he entertained such objections to the compulsory clauses, that unless the honourable and learned Gentleman would promise in committee to erase all those classes, he could not allow the bill to proceed.

The *Attorney-General* regretted that any opposition had been given to a bill which he was convinced would confer great benefits on the country. He had himself brought in a bill for the enfranchisement of copyholds, founded on the report of the real property commissioners; but that bill only provided for voluntary enfranchisement. A committee was then appointed formed of Members of both sides of the House, and in which the right hon. Member for Tamworth took an active part, to consider the whole question; and though he in the committee opposed the insertion of the compulsory clauses, yet, finding that they were strongly advocated by the right hon. Member for Tamworth, and other well-informed persons, he had given way, and cheerfully yielded up this bill to the management of his hon. and learned Friend the Member for Honiton. The committee had called before them the tithe commissioners; and it was their opinion that it could be done, and done beneficially, though, as the hon. Member for the North Riding said, no general rule could be laid down. That was the very reason why it was proposed to appoint Mr. Blamire and other discreet men to carry out its provisions, and see that justice was done both to the lord and to the tenant. He hoped that they would not allow the session to pass over without doing something to remove the reproaches cast upon the present law. He readily admitted that the copyhold tenure had some advantages, but there was no advantage which could not easily be transferred to freeholds, and what were the disadvantages of the tenure. The interest of the Lord in the soil was such as to work great public injustice. For instance, to all timber which was growing on copyholds the Lord was entitled, and the result was, that none was planted, and this circumstance had given rise to the saying that "the oak was too noble a plant to grow on a servile soil." Then, again, on a regrant on death or alienation, the lord was generally entitled to a fine equal to two years' improved value. So that no one would build upon copyhold land, or lay out any money to improve it. The hon. Baronet said, that this bill would deal unjustifiably with private property, but when the public good required it, they must deal with private property, taking care, however, that all interested in the property should have ample compensation. In this bill all the interests of the lord were carefully guarded, and it was equally beneficial to the lord and to the tenant. As, however, he found that the bill as it stood was to be strongly opposed, and as in the present state of the session any measure so opposed could not be expected to pass, he would advise his hon. and learned Friend to withdraw the compulsory clauses. The bill, even then, would do much good. At present, when a tenant was on his death-bed seven or eight different persons were waiting round him, in eager expectation to seize upon his cattle. These were the remains of a barbarous age, and if they only got an alteration in that respect from this bill it would do good. If the House would consent to go into committee, he was sure his learned Friend would do all that could be reasonably desired, and he hoped that they would succeed in obtaining an instalment of progressive reform in copyhold law; that this bill, if it passed, would not be held up as final, and that they would never hear anything of the finality of the Copyhold Reform Bill; for whilst any abuses were to be remedied, he for one hoped that reform would proceed. He thought that the present bill, even when altered, would do great good, and he trusted that the owners of copyholds would gladly submit to regulations required for the public good, as well as the Church had submitted to regulations for a like purpose.

Mr. *Estcourt* said, the interpretation clause was much more comprehensive than it had been arranged when the bill was in committee, and, in consequence, there was the most unjust interference with private property.

Mr. *Aglionby* protested against striking out the compulsory clause, which was the most important part of the bill. Still, however, much good would remain in the bill, and if forced he must assent to it; however, he would never lose an opportunity, so long as he had a seat in the House, of endeavouring to get rid of this odious remnant of the feudal system.

Amendment withdrawn — House in Committee.

The bill went through Committee with amendments. The House resumed, and the report was brought up. The bill was ordered to be reprinted.

The House went into a Committee on the application of the Land Revenue.

WINDSOR CASTLE STABLES.—LAND REVENUE.] The *Chancellor of the Exchequer* stated, that no man could have visited Windsor Castle without being aware that the stables belonging to it were very unsuited to a royal palace. It had been thought desirable to build new stables and a riding-school there, and he was happy in being able to state that this could be done without any charge on the public purse. If they took the amount required from the hereditary revenues of the Crown, it would be exactly the same as taking it from the public purse, as these revenues had been surrendered to the public on the granting the civil list. The amount, however, to which he had alluded, had been saved out of the fines of the land revenues, and therefore would not be taken from the annual income. This fund had accumulated so as to enable them to build the stables out of it. At present, stables were rented at various parts of Windsor, and when the new buildings should be erected these would be given up, and thus an annual saving would accrue. Again, it had been found necessary to build a riding-house at Windsor for the sake of the health of her Majesty. He would take that opportunity of correcting a delusion that had gone abroad, that the statements of the income from the land revenues which had appeared in the two or three last revenue papers, had arisen from the sale of portions of property. This, however, was not the case: but the sums in question had resulted from the revenues of the Woods and Forests. It had been asked, why had not a similar application of income taken place before? His answer was, that the land revenues of the Crown were incumbered with a debt, which amounted to upwards of 11,000,000*l.* for building Regent-street, and it was obvious that no surplus revenue could be applied, until this debt was paid off. He trusted, however, that there would be a continued increase in this branch of the revenue, as the property was an improving one. The right hon. Gentleman concluded with moving that a sum not exceeding 70,000*l.* be applied out of the land revenue for building stables at Windsor Castle.

Vote agreed to.—House resumed.

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VOLUME XLVII.

BEING THE THIRD VOLUME OF SESSION 1839.

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